IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FOUR

CHURCH OF SCIENTOLOGY, INTERNATIONAL,
Plaintiff/Respondent,

vs.

GERALD ARMSTRONG,
Defendant/Appellant.

NO. A075027

CLERK'S TRANSCRIPT ON APPEAL

FROM A JUDGMENT MADE AND ENTERED

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

MARIN COUNTY COURTS

VOLUME 23

For the Plaintiff/Respondent:

Andrew Wilson, Esq.
WILSON, RYAN & CAMPILONGO
115 Sansome Street, 4th Floor
San Francisco, CA 94104

For the Defendant/Appellant (In Pro Per):

Gerald Armstrong
715 Sir Francis Drake Blvd.
San Anselmo, CA 94960

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

MARIN COUNTY COURTS

DEPARTMENT 1

CHURCH OF SCIENTOLOGY, INTERNATIONAL, **Plaintiff,**	)	
vs.	)	
GERALD ARMSTRONG, **Defendant.**	)	**No. 157680**

GARY W. THOMAS	**JUDGE**
JOHN P. MONTGOMERY	**COURT EXECUTIVE OFFICER**
ELAINE PASSARIS	**REPORTER**

For the Plaintiff:

Andrew Wilson, Esq.
WILSON, RYAN & CAMPILONGO
115 Sansome Street, 4th Floor
San Francisco, CA 94104

For the Defendant (In Pro Per):

Gerald Armstrong
715 Sir Francis Drake Blvd.
San Anselmo, CA 94960

CHRONOLOGICAL INDEX NO. 157680 VOL. 23 MARIN NO. 157680 PAGE NO.

EVIDENCE IN SUPPORT OF OPPOSITION TO MOTIONS FOR SUMMARY ADJUDICATION OF 20TH CAUSE OF ACTION, AND 13TH, 16TH, 17TH & 19TH CAUSES OF ACTION OF SECOND AMENDED COMPLAINT VOLUME II, CON'T (EXHIBIT N, ET SEQ.) 9/18/95	6240
EVIDENCE IN SUPPORT OF OPPOSITION TO MOTIONS FOR SUMMARY ADJUDICATION OF 20TH CAUSE OF ACTION; AND 13TH, 16TH, 17TH & 19TH CAUSES OF ACTION OF SECOND AMENDED COMPLAINT VOLUME III (INCLUDING EXHIBIT C) 9/18/95	6511

Internal Revenue Service

Department of the Treasury

Washington, DC 20224

6240

Church of Spiritual
Technology
419 North Larchmont, Suite 162
Los Angeles, CA 90004

Person to Contact:
Mr. M. Friedlander
Telephone Number:
(202) 566-6701
Refer Reply to:
E:EO
Date: JUL 8 1988

Employer Identification Number: 95-3781769
Form: 1120
Tax Years: All Years

Dear Applicant:

This is a final adverse ruling as to your exempt status under section 501(c)(3) of the Internal Revenue Code.

This ruling is made for the following reasons:

1. You have failed to establish that you are operated exclusively for exempt purposes as required by section 501(c)(3) of the Code. You have not demonstrated that your activities and purposes conform to exempt purposes and activities as required by section 501(c)(3) of the Code.

You are one of a number of organizations which were created pursuant to a reorganization of the Church of Scientology which took place in 1981 and 1982. The reorganization was undertaken after the Service revoked the exempt status of the Church of Scientology of California, the former "Mother Church" of the denomination. The basis of the revocation was that the California church was an ordinary commercial enterprise, the Church's income inured to L. Ron Hubbard, founder of the Scientology religion, and the Church had violated public policy by conspiring to impede the Service from assessing and collecting taxes which were lawfully due. Church of Scientology of California v. C. I. R., 83 T.C. 381 (September 24, 1984). The revocation was sustained by the Tax Court and upheld by the Court of Appeals for the Ninth Circuit. 823 F. 2d 1310 (9th Cir. 1987).

An earlier case involving a Scientology organization had also resulted in a finding of private benefit to Mr. Hubbard and members of his family. Founding Church of Scientology v. U.S., 412 F. 2d 1197 (Ct. Cl. 1969), cert. den., 397 U.S. 1009 (1970).

In the Church of California case, cited above, the Tax Court described how the Church attempted to frustrate the Service's efforts to examine its financial affairs. The Church maintained no books or journals to record and systematize its financial transactions. Therefore, the examination had to proceed on the basis of millions of separate checks, invoices, and disbursement vouchers. The Church's accountant saw to it that these documents were provided in no semblance of order. He advised another church to "give the IRS agent a bunch of records in a box in no semblance of order, to place the agent in a dark, small, out-of-the-way room, [and] to refuse to give practical assistance locating records." In the face of such tactics, the IRS spent approximately two years in an unsuccessful attempt to audit the Church's 1968 and 1969 financial operations.

In addition to the above tactics, the Church knowingly and purposely misled the IRS concerning extensive operations it conducted in the United Kingdom. It concealed from the examiners the fact that it regularly received debit advices from foreign banks in lieu of canceled checks. It never produced canceled checks from some of its accounts which it maintained in the name of another corporation. When checks were produced, they were sometimes detached from their stubs. Boxes of records were mislabeled. The Church intentionally delayed in providing requested records and in some instances it never provided the records at all.

In order to establish whether the reorganized Church of Scientology was operated exclusively in furtherance of exempt purposes, we sought to obtain detailed information from you and from the other newly created entities which had filed applications for recognition of exemption. Although some information was initially provided, the information was incomplete or partial. Eight of the organizations eventually withdrew their applications without providing the information we had requested.

While the applications were pending, witnesses gave testimony in court cases involving churches of Scientology. See Church of Scientology of California v. Gerald Armstrong, No. C 420153 (Calif. Super. Ct., July 20, 1984); Founding Church of Scientology of Washington, D.C., Inc., et al. v. Director, Federal Bureau of Investigation, et al., 802 F. 2nd 1448 (1985), cert. den., 56 U.S.L.W. 3231 (October 6, 1987). The testimony was to the effect that L. Ron Hubbard continued to control the Church of Scientology for his private benefit. Witness testimony in the Armstrong case alleged that the project known as Mission Corporate Category Sort-Out (MCCS) had been undertaken by the Church of Scientology of California in 1980. The alleged purpose of the MCCS project was, according to the testimony of Laurel Sullivan, to devise a new organizational structure to conceal L. Ron Hubbard's continued control of the Church of Scientology. In the Founding Church v. Director, F.B.I. case, to which the Service was a party, the government successfully argued that L. Ron Hubbard should be required to appear and be deposed because he was a managing agent of the Church. Mr. Hubbard did not appear and the case against the government defendants was dismissed with prejudice.

Church of Spiritual Technology

We asked the remaining applicants who had not withdrawn their applications to comment on the matters noted in the Armstrong and Founding Church v. Director, F.B.I. cases. They responded that the testimony related to other organizations and time periods, attacked the credibility of the witnesses, and stated that L. Ron Hubbard did not hold any position of control in any church of Scientolgy even though he was still revered as the founder of the religion. We were told that the present corporate structure had been designed after those responsible for the MCCS project had been dismissed from the church and that the work done on the MCCS project was not considered or consulted in designing the new organizational structure presently in place. At the same time, we were furnished for the first time a chart showing levels of authority and departments within the new organizational structure. One of the departments, the Commodore's Messenger Organization (International), exists within the corporate structure of Church of Scientology International, the new "Mother Church" of the denomination. According to allegations made in the Armstrong case, L. Ron Hubbard controlled the church through the Commodore's Messenger Organization utilizing David Miscavige, Pat Broeker and Anne Broeker to carry out his orders. David Miscavige, Anne Broeker, and Lyman Spurlock were the original trustees of Religious Technology Center. Mr. Miscavige enjoys a position of influence in the reorganized Scientology structure which we have been informed derives from "moral authority" rather than from any official position in the corporate structure. Lyman Spurlock is President of Church of Spiritual Technology and, along with Mr. Miscavige, is an employee of Author Services, Inc. Author Services, Inc., is a for-profit corporation formed to provide services to L. Ron Hubbard in connection with exploitation of patents and copyrights which Mr. Hubbard owned.

On January 7, 1986, we issued an initial adverse ruling on your application. You submitted a written protest to our initial adverse ruling. In your protest we learned for the first time of the existence of still other organizations which were related to the new Scientology operating structure. Following your protest conference, which was held in January, 1987, we asked you to provide more detailed information about these new "international" organizations, including International Association of Scientologists, International SOR Trust, SOR Management Services, Ltd., Scientology International Missions Trust, and International Scientology Religious Trust. In a letter dated November 24, 1987, we noted that you had previously agreed to supply that information to us. However, you did not supply the information.

In support of the protest to our initial adverse ruling, we were supplied with copies of affidavits dated December 4, 1986, from Gerald Armstrong and Laurel Sullivan. Ms. Sullivan was the person in charge of the MCCS project. The affidavits state that the new church management "seems to have returned to the basic and lawful policies and procedures as laid out by the founder of the religion, L. Ron Hubbard." The affidavits conclude as follows:

"Because of the foregoing, I no longer have any conflict with the Church of Scientology or individual members affiliated with the Church. Accordingly, I have executed a mutual release agreement with the Church of Scientology and sign this affidavit in order to signify that I have no quarrel with the Church of Scientology or any of its members."

The history of Scientology's operations detailed in the Church of California case includes a lack of adequate financial records, public policy violations, deceptive practices and the maintenance of enemies lists against whom any actions, however illegal, were justified. The California case also demonstrates inurement of net earnings and benefit to the private interest of Mr. Hubbard, operations that primarily furthered commercial purposes conducted amid continuous representations denying control by and benefit to Mr. Hubbard, and a tenacious denial of the actual state of the organization's affairs in the face of overwhelming evidence establishing the true nature of the organization's operations. More recently, attempts to conceal Mr. Hubbard's ongoing control of Scientology were alleged in the Armstrong case. Utilizing testimony any witnesses from the Armstrong case, the government successfully argued that Mr. Hubbard was a managing agent of the Church of Scientology as late as 1984. See the Founding Church v. Director, F.B.I. case, cited earlier.

The events detailed in these court cases, which span almost the entire period of Scientology's history, create an inference that Scientology, even after reorganization, is not operated exclusively for exempt purposes. The fact that Mr. Armstrong and Ms. Sullivan elected to settle their personal differences with Scientology does not detract from the relevance of the statements they previously made concerning Mr. Hubbard's use of Scientology organizations to serve his private interest. Our experience with your organization similarly reflects a continuation of the pattern of inurement and benefit to the private interest of Mr. Hubbard, operations that primarily further commercial purposes, and denials of control by and benefit to Mr. Hubbard for periods prior to his death despite contrary judicial and Service findings. Blanket denials that Mr. Hubbard personally profited from his position of influence in Scientology and assertions that your operations exclusively further exempt purposes do not dispel this inference.

Mr. Hubbard died on January 24, 1986. But, his death did not alter the history of Scientology's prior operations or make available complete information about your actual operations. Moreover, the same individuals who controlled Scientology operations prior to Mr. Hubbard's death, and who participated in arrangements which resulted in inurement and private benefit, continued to control your operations and those of the other top level Scientology organizations after Mr. Hubbard's death. Thus, the possibility of inurement and private benefit continued after Mr. Hubbard's death and more complete information about your operations and financial affairs was required to assure that your operations had changed to eliminate any further private benefit.

For the reasons explained above, in a letter dated March 17, 1988, we proposed to review your books of account and records and those of Church of Scientology International and Religious Technology Center. As explained in our letter of March 17, 1988, the purpose of this review was twofold. First, to determine the integrity of your financial and accounting systems so we could verify that the information you had provided was accurate. Second to verify that no part of your net earnings inures to the benefit of any private shareholder or individual and that there is no other disqualifying activity.

Church of Spiritual Technology, Church of Scientology International, and Religious Technology Center agreed to participate in the financial reviews pursuant to the letters of March 17, 1988. Church of Spiritual Technology, Religious Technology Center and Church of Scientology International informed us by letter dated June 24, 1988, that they would no longer participate in the review. The refusal to continue the review, concentrating on those areas of concern, and their failure to fulfill the terms of the March 17, 1988, agreement, prevents us from concluding that Scientology's operations have changed and that activities previously found to be disqualifying for purposes of section 501(c)(3) of the Code have been discontinued. Therefore, we conclude that you have not established that you are operated exclusively for exempt purposes as required by section 501(c)(3) of the Code.

2. You are operated for a substantial non-exempt commercial purpose.

In our initial adverse ruling of January 7, 1986, we concluded that you were operated for a substantial non-exempt commercial purpose because your activities assisted other organizations in maximizing sales of goods and services associated with the practice of Scientology.

In your protest and subsequent submissions you argued that your activities were engaged in for religious rather than commercial purposes. You contended that the provision of goods and services for a fee, which is characteristic of Scientology, was a permissible means of providing funds necessary for Scientology to support its operations, provide reserves for renovations and expansion, and to attract potential new members to the religion.

We have carefully considered your arguments, but fail to see that sales of goods and services for a fee by Scientology organizations under policies and directives which emphasize sales and profits does not result in a primary purpose of engaging in activities similar in nature to those of an ordinary commercial enterprise, in which profits are the primary goal, rather than in advancing religious purposes. The fact that the fees provide a source of funds for operating expenses and future expansion and dissemination does nothing to distinquish these fee-for-service operations from similar activities of ordinary commercial enterprises. Therefore, by assisting and aiding in the marketing of Scientology, you are engaged in activities which further a substantial non-exempt commercial purpose.

Your archival activities relate to the materials constituting the scriptures of Scientology. These materials consist of the written and spoken works of L. Ron Hubbard on the subject of Scientology. Prior to his death, Mr. Hubbard held the copyrights on these materials. The works you collected were being commercially exploited by Mr. Hubbard and some of the organizations licensed by him. You were supported by income paid to you by some of the organizations engaged in this exploitation, notably Religious Technology Center and Church of Scientology Flag Service Organization, Inc., a subordinate of Church of Scientology International. You were thus performing functions which benefited these organizations and furthered their objective of marketing Scientology products and services.

After Mr. Hubbard's death, Religious Technology Center and Church of Scientology International and its subordinates have continued to market Scientology products and services. Your collection of original Hubbard writing and tape recordings enhances their marketing efforts because the products they market are derived from these original writings and tape recordings. Therefore, you are operated for a substantial non-exempt commercial purpose.

In addition, the refusal to continue the review agreed to in the letters of March 17, 1988, to Church of Spiritual Technology, Church of Scientology International, and Religious Technology Center, concentrating on those areas of concern, and their refusal to fulfill the terms of the March 17, 1988, agreement prevents us from concluding that Scientology's operations have changed and that activities previously found to be disqualifying for purposes of section 501(c)(3) of the Code have been discontinued. Therefore, we conclude that you have not established that you are operated exclusively for exempt purposes as required by section 501(c)(3) of the Code.

3. You are operated for the benefit of private interests and your net earnings inure to the benefit of private individuals.

In our initial adverse ruling, we concluded that your operations furthered the private interest of and resulted in inurement of net earnings to L. Ron Hubbard because he received royalties on the sales of products associated with the practice of the religion he founded. We also concluded that your activities served Mr. Hubbard's private interest through your participation in a plan to exploit Mr. Hubbards's trademarks, trade names, service marks, copyrights, and patents through licensing and assignment arrangements. We also concluded that your activities served the private interests of and resulted in inurement of net earning to organizations associated with Mr. Hubbard.

In your protest you called our attention to the fact of Mr. Hubbard's death and noted that his estate is in probate. Church of Spiritual Technology is the principal beneficiary of the estate and will receive the royalty income formerly received by Mr. Hubbard if it is determined to be exempt under section 501(c)(3). Based on these facts, you contend that private benefit, if there was any, ceased upon the death of Mr. Hubbard on January 24, 1986.

Mr. Hubbard's death does not erase the benefit and inurement to his private interest that occurred.

Further, both before and after Mr. Hubbard's death, you made the original writings and other materials formerly owned by Mr. Hubbard available to Church of Scientology International and Religious Technology Center in exchange for so-called "contributions" from Religious Technology Center and Church of Scientology Flag Service Org, Inc., a subordinate of Church of Scientology International. Religious Technology Center and Church of Scientology International engage in marketing Scientology to the public in a manner indistinguishable from that of an ordinary commercial enterprise. Therefore, your provision of the original Hubbard Materials to Religious Technology Center and Church of Scientology International serves the private interests of Religious Technology Center and Church of Scientology International.

In addition, the refusal to continue the review agreed to in the letters of March 17, 1988, to Church of Spiritual Technology, Church of Scientology International, and Religious Technology Center, concentrating on those areas of concern, and their refusal to fulfill the terms of the March 17, 1988, agreement prevents us from concluding athat Scientology's operations have changed and that activities previously found to be disqualifying for purposes of section 501(c)(3) of the Code have been discontinued. Therefore, we conclude that you have not established that you are operated exclusively for exempt purposes as required by section 501(c)(3) of the Code.

4. You have failed to establish that you are not operated for the benefit of private interests and that your net earnings do not inure to the benefit of private individuals.

Trusts and corporations can be used to siphon income from allegedly exempt organizations for the benefit of private individuals. This happened in the Church of California case. An allegedly religious trust and dummy Panamanian corporations were used to funnel money to L. Ron Hubbard.

Although the organizational structures employed by Scientology have changed since the California case, you have not clearly established that your relationship with the new entities furthers your exclusively exempt purposes. The past history of Scientology's operations suggests that the purpose of these organizations may be to disguise the fact that private interests are the ultimate beneficiaries of the reorganized operating structure.

An example of an organization which may serve private interests is International Publications Trust (IPT). Prior to the formation of IPT, L. Ron Hubbard granted licenses to New Era Publications (NEP) to produce Scientology books and E-meters. NEP sublicensed Bridge Publications, Inc. (BPI). The license and sublicense agreements provided for royalty payments from BPI to NEP and from NEP to L. Ron Hubbard. Then, IPT was formed to act as the holding company parent of BPI and NEP.

You informed us that IPT has two foreign trustees, Church of Scientology Religious Education College, a corporation, and Geoffrey Clunie, an individual. Our requests for additional information about IPT and its trustees and their relationship to the reorganized Scientology structure have not been answered. So, we see in place an entity that controls Scientology publications and E-meter production controlled by persons about whom no information has been provided. In the absence of any other explanation for this arrangement, we have no alternative but to conclude that the holding company's real purpose could be to benefit Mr. Clunie's private interest or the private interest of the College, just as intervening trusts and corporations were used to mask benefits to the private interest of L. Ron Hubbard.

It is also clear that NEP and BPI share in the commercial exploitation of these properties to benefit their own private interests. Mr. Hubbard's death did not effect the rights that NEP had already received from Mr. Hubbard prior to his death. Therefore, NEP and BPI are continuing to benefit from their part in the commercial exploitation of these properties even though Mr. Hubbard is no longer sharing in the benefits of the commercial exploitation. Even if Church of Spiritual Technology does eventually become the owner of the patents and copyrights formerly owned by Mr. Hubbard, the licenses granted to NEP will still be in effect. Thus the private benefit to NEP and BPI is ongoing even though Mr. Hubbard is dead and even though a number of new Scientology organizations have been created. Further, it has not been established that other new and old organizations about which our requests for detailed information remain unanswered are not sharing in private benefit. The potential beneficiaries include Author Services, Inc., SOR Management Servies, Ltd, International Scientology Film Trust, and International Scientology Religious Trust.

The same persons who were in charge of Scientology prior to Mr. Hubbard's death hold positions of control or influence in some of these new organizations. For example, persons who hold positions of influence in the reorganized Scientology structure also hold positions in Author Services, Inc., a for-profit corporation formed to benefit L. Ron Hubbard. Lyman Spurlock, David Miscavige, Greg Wilhere, Terri Gamboa, Marion Meisler, Maria Starkey, and Becky Hay, persons who hold influence in the reorganized Scientology structure, also hold positions in Author Services, Inc. Author Services, Inc., is now performing the same function of "collecting royalties" for the beneficiary of L. Ron Hubbard's estate. Thus, as happened in the Church of California case, the income of an allegedly exempt organization (Church of Spiritual Technology should it obtain recognition of exemption) will be passed through a for-profit corporation which is controlled by persons who also hold positions of influence in the Scientology structure.

A similar problem exists with regard to the "central reserves" of Church of Scientology International and its subordinate churches. A nonexempt foreign entity, SOR Management Services, is being paid under a contract to "manage" these reserves. Again, the income of allegedly exempt organizations is being passed through a nonexempt organization controlled by persons who hold positions in, or act as nominees for, organizations in the topmost levels of the reorganized Scientology structure.

Moreover, a newly revealed organization, International SOR Trust, about which our inquiries remain unanswered, has an ongoing relationship with some of the organizations engaged in the exploitation of the properties formerly owned by Mr. Hubbard. For example, at one time International SOR Trust purchased the stock of Bridge Publications, Inc., from Church of Scientology of California and later disposed of the stock to International Publications Trust.

Furthermore, individuals closely associated with Cancorp Investment Properties, a for-profit British Columbia corporation allegedly formed to serve the private interests of L. Ron Hubbard, about which we inquired, have been in positions of influence in the reorganized Scientology structure. You refuse to provide detailed information about Cancorp Investment Properties or Religious Research Foundation, another organization allegedly formed to serve the private interest of L. Ron Hubbard, about which we also inquired.

The proliferation of associated entities also includes a number of other new "international" organizations, about which we have inquired but you have not responded to our inquiries. Since the Scientology operating structure is the only funding source for these organizations, they and the persons who control them are also sharing in the income generated by the activities of Church of Spiritual Technology, Church of Scientology International, and Religious Technology Center.

In light of the past history of Scientology's operations, this continuing sharing in the net earnings of Scientology by nonexempt entities is sufficient by itself to raise serious concerns about private benefit and inurement. Nonetheless, you have chosen to ignore these concerns or have provided incomplete or partial information which is not adequate to establish that private benefit and inurement are not flowing to nonexempt entities, some of which employ and are directed by the same people who hold positions of influence in the new Scientology operating structure. Such self-dealing does not lose its identity as private benefit and inurement merely because it is conducted through intermediary individuals and/or organizations.

Accordingly, we find that you are not exempt because you have failed to establish that you do not operate for the benefit of private interests and that your net income does not inure to private individuals contrary to the prohibition contained in section 501(c)(3) of the Internal Revenue Code. In addition, the refusal to continue the review agreed to in the letters of March 17, 1988, to Church of Spiritual Technology, Church of Scientology International, and Religious Technology

Center, concentrating on those areas of concern, and their refusal to fulfill the terms of the March 17, 1988, agreement prevents us from concluding that Scientology's operations have changed and that activities previously found to be disqualifying for purposes of section 501(c)(3) of the Code have been discontinued. Therefore, we conclude that you have not established that you are operated exclusively for exempt purposes as required by section 501(c)(3) of the Code.

Furthermore, the Service considers your failure to fulfill the terms of the March 17, 1988, agreement as constituting a failure to exhaust administrative remedies, as required by section 7428(b)(2) of the Code.

Contributions to your organization are not deductible under Code section 170.

You are required to file federal income tax returns on the above form. Based on the financial information you furnished, it appears that returns should be filed for the tax years shown above. You should file these returns with your key District Director for exempt organization matters within 30 days from the date of this letter, unless a request for an extension of time is granted. Returns for later tax years should be filed with the appropriate service center as indicated in the instructions for those returns.

If you decide to contest this ruling under the declaratory judgment provisions of section 7428 of the Code, you must initiate a suit in the United States Tax Court, the United States Claims Court, or the District Court of the United States for the District of Columbia before the 91st day after the date that this ruling was mailed to you. Contact the clerk of the appropriate court for rules for initiating suits for declaratory judgment. Processing of income tax returns and assessment of any taxes due will not be delayed because a declaratory judgment suit has been filed under code section 7428.

If you have questions, please contact the person whose name and telephone number are shown in the heading of this letter.

Sincerely yours,

(Signed) E. D. Coleman
E.D. Coleman
Director, Exempt Organizations
Technical Division

127

Pl'fs' EXHIBIT 6 FOR ID
PAT AYERS, NP-CSR
DATE 4-24-90
WITNESS G. Armstrong
PAGE 1 OF 161

10-11-86

DECLARATION OF GERALD ARMSTRONG

I, Gerald Armstrong, declare:

1. I have been informed by my attorney, Julia Dragojevic, that attorneys for plaintiff Scientology organization have advised her that they intend to tell the Court that the organization has now fully complied with the Court's orders of July 2, September 9 and December 9, 1985 regarding production of documents. The purpose of this declaration is to show that the Court's orders have not been complied with.

2. I have reviewed the documents received from plaintiff organization as my "B-1" file. This is offered by the organization as full compliance with original requests for production:

> 2. All originals and all copies of Guardians Office files pertaining to Gerald Armstrong.
>
> 3. All originals and all copies of correspondence of the Guardian's Office pertaining to Gerald Armstrong.

Attached hereto as Exhibit A is a 14 page "time track" or chronology produced as part of the B-1 file. I have circled in red the date of 87 time track entries for which the documents from which they were extracted have been deleted from this "B-1 file."

3. "B-1" was a designation, known from a certain level upwards in the organization, for the Guardians Office intelligence bureau. B-1 gathered intelligence internally and externally and overtly and covertly, and it ran agents and

128

O.

⑥

carried out operations against enemies to frame them, compromise them, or otherwise nullify them as a threat. The GO also ran public relations, finance, legal, and they had, except for a couple of L. Ron Hubbard's personal public relations officers, total control of any organization interfacing with government agencies, the media, law enforcement, private investigators, and enemies. The only thing the GO did not run was the auditing-training income-making apparatus of the organization. And that part of the organization would have no files on me. Within the GO each bureau had its own files. These files often related tc enemies. "Freedom," the organization's tabloid black PR tool, was part of the GO. And the GO was itself a part and function of the Church of Scientology of California corporately and it was operated by Hubbard through his wife, the Controller. There has been a continuity in GO activities, and in many cases personnel, right to present time. The organization still puts out "Freedom," it still does PR and black PR, it hires private investigators, lawyers, graphologists, etc., it has a finance bureau , and it has intelligence data gathering and covert operations; and it has files on me in each of these areas. Different organization units performing these functions from 1982 onward include Special Project, ASI, Religious Technology Center (RTC), Office of Special Affairs (OSA)(which is divided into OSA Pac(ific), OSA US, OSA Int(ernational), etc.), Mission All-Clear (MAC)(also with local, continental and international units), Commodore's Messenger Organization (CMO) units, Watch-Dog Committee (WDC), and possibly others unknown. The corporati name personnel in these units supposedly worked for was

129

irrelevant since Hubbard, the GO, and the messengers who took over the GO functions in 1981 by-passed all corporate lines. The last time track entry in the "B-1" file (see Exhibit A) is June 15, 1982. The organization had already begun its PI surveillance of Jocelyn and me, yet there is no time track reference to the PIs or their product. That the organization's intelligence bureau was not running the PIs and not getting their product is a laughable impossibility. The real GO files on me, as for major enemies, would have been started in 1982. Before then there would have been an accumulation of some materials in my "B-1" file, notably everything from the three weeks I was locked up on Hubbard's order in B-1 at GO US in 1976, but even this plaintiff organization has failed to produce. In the spring and summer of 1982 the organization escalated the attack against me--- the PI's, the assaults, the attempted criminal charges with the LAPD, many meetings with organization personnel, the London operation, the "Armstrong Operation" (or Sherman-Ingram Operation), more attempted criminal charges with the LA DA and the FBI, media campaigns, "Freedom" campaigns. Yet the documents the organization offers end, but for a few exceptions, in the spring of 1982. Each of the operations or attacks is GO province and function. Organization attorneys are trying to make believe that if the name changed the function disappeared. An analogy would be the War Department under FDR becoming the Department of Defense. The functions remained the same and there was, as in GO activities, continuity until presen time. The B-1 file produced is a joke. The organization is asking me to believe that after it raised me in importance to its number one or two enemy, all reports, correspondence, orders, evaluations, programs and operations concerning me ceased. The material received as "B-1" is a small fraction of the documentation in the organization's actual intelligence files on me. Then there are the PR and legal files.

4. I refer the court to my declaration of April 9, 1986 in which I listed various incidents, operations or publications which were clearly organization creations and concerning which the organization had produced no documents. The facts of that declaration, except for the subsequent receipt of the partial "B-1" file, are essentially the same as they were then and I incorporate that declaration by reference herein. At page 14, no. 21 I described the documents still not produced concerning the "Armstrong Operation," an organization intelligence operation which has been running from 1982 up to the present. The organization is still using the fruits of that operation, in fact, to make millions from its adherents (see p. 22, no. 6 of the April 1986 declaration). To prevent the organization from being able to completely sidestep the Court's various orders regarding production of documents with the sham that the unproduced documents described in my declaration post-dated the renaming of the Guardians Office, Ms. Dragojevic served the organization's attorneys with the request for production attached hereto as Exhibit B. This request lists the documents specified in my declaration as not produced in non-compliance with the Court's orders. Request no. 21 asks for the documents relating to the "Armstrong Operation." The organization's response, signed by attorney John Peterson, is

attached hereto as Exhibit C. Mr. Peterson stated in response to request no. 21:

> "Armstrong Operation" is a characterization invented by Cross-complainant as no such "operation" has ever existed. Cross-defendant has no such documents in its possession, custody or control.

This is such a big lie it boggles the mind. "Armstrong Operation" is the organization's term; however the operation's name is irrelevant. If the organization labelled the operation "Armstrong Program," "Destroy GA Plan" or "Freakout II," it does not matter. Mr. Peterson knows what is being referred to because he was and is an active participant in the operation. He filed sworn declarations in this case and in many more across the country, and with several government agencies. He used his perverse rendition of the operation, in fact in the "Further Opposition to Motion to Compel Production of Documents" filed with this Court May 8, 1985. If Mr. Peterson is believed, that there are no documents concerning an operation over almost 6 years involving dozens of people, incredible expenditures of money for extra-legal actions, a bevy of PIs, three countries, illegal videotapes, bugs, a paid-off dirty cop, millions of "Freedom" tabloids devoted to the operation distributed internationally, manufactured evidence foisted on the LAPD, LA DA, Courts and the FBI, and a get-rich-quick scheme involving millions of dollars internationally, he sends a message back to his client organization that lies still work and it is still good strategy to thwart and abuse legal procedures.

5. Attached hereto as Exhibit D is a series of daily reports concerning me from intelligence personnel in the Greater Los Angeles GO to posts in GO US covering the period from February 22 to March 18, 1982. This was before the first SP Declare was issued on me. As can be seen, intelligence daily reports were created for actions as simple as the stakeout of Omar Garrison's residence even when nothing was observed. To say that the "Armstrong Operation" was created with no documentation, no orders and no funding, and that no reports were generated over four-plus years is beyond absurd. It should be noted that each of the individuals holding posts which received the reports or copies, also therefore possessed Armstrong documents and files.

6. Attached hereto as Exhibits E, F, G and H are documents entitled respectively "Juggernaut" Eval, Operation Freakout, Goodrich Suit Evaluation, and Christo Final Handling Eval. The Juggernaut document is a broad evaluation and program to attack Michael Flynn. The number of people involved is shown by the post distribution list on the first page. Freakout was an operation to frame a Scientology Critic, Paulette Cooper (PC) with a fake crime much as the organization has attempted with me on several occasions. The Goodrich document was written by Hubbard and is a model for attacking individuals with claims against the organization (see "Goodrich Eval" under the Policy section of the Juggernaut Eval). The same perfidious strategy used by the organization and its attorneys to invade my privacy cull and miscull my PC folders, and put the culled and misculle product, further distorted by their sinister minds, before the

133

Court, is devised and ordered by Hubbard at page 14 of this document. The Christo Final Handling Eval, which is clarified by my affidavit of Narch 8, 1985, also attached as part of Exhibit H, concerns in part bringing criminal charges against Julie Christofferson, her associates and family, on Hubbard's orders. The organization similarly attempted bringing false criminal charges against me. Julie Christofferson was in Scientology for a few months in a fringe franchise when she was 17 years old. Yet the organization in compliance with Hubbard's orders created this sophisticated program to destroy her, including use of her auditing session statements against her (see p. 2, operating target 4 under Libby/Eureka, Montana). It is unimaginable that the organization has done all it has to me, operation after operation, yet has no evaluations, programs or operations files concerning me. The only other possibility is that the organization and its attorneys have, in anticipation or violation of the Court's discovery orders, destroyed the evidence of their operations against me.

7. Mr. Peterson's response regarding a manuscript, artwork and other materials stolen from the trunk of my car on November 8, 1984 (see request no. 15 of Exhibits B and C) is:

> Cross-defendant has no knowledge of any burglary of Cross-complainant's trunk. Hence, cross-defendant has no such documents in its possession custody or control.

EXHIBIT 10 PAGE 7

Attached hereto as Exhibit I are a letter dated November 9, 1984 from Ms. Dragojevic to Mr. Peterson and his reply dated Novembe 30, 1984. Ms. Dragojevic advises Mr. Peterson of the theft and makes a demand for return of the materials stolen. He answers with accusations and threats. His claim now that his client has no knowledge of the burglary is just not true.

8. Another example of documents clearly withheld by plaintiff organization is in regards to the program to get the LA DA to bring criminal charges against me -- ultimately to have me jailed. This is all part of the "Armstrong Operation." At p. 23, no. 11 of the April 1986 declaration I showed, from the mouth of CSC,CSI,RTC and Hubbard attorney Earle C. Cooley, the existence of such documentation. The organization has produced none of these documents. A letter from the Office of the LA DA dated April 25, 1986, attached hereto as Exhibit J, however, reveals that Mr. Peterson and organization personnel provided a mass of documentation, even more than I knew before then existed, to the DA. Mr. Peterson knows that I know because he got the DA's letter. To consider that all this was done from no written orders, programs, evaluations or missions is madness. It should be noted that the recipients of the DA letter were all GO staff. Lyman Spurlock's testimony at trial in 1984 that he (as ASI staff) and others got rid of the 1100 GO staff criminals is untrue. Ken Hoden was GO staff; in fact he was involved in the program on Hubbard's orders to bring criminal charges against Julie Christofferson. Heber Jentzsch was a GO PR staffer for many years who was used for the organization's frontal PR attacks on enemies. He continues to perform the same organization function. David Butterworth is a longtime GO staff member. When I knew him in the organization he was an aide to Mary Sue Hubbard in the Controller's Office. John Peterson has been connected to

135

the GO from the 1970's.

9. The organization has likewise still not produced the documents specified in connection with the other operations listed in my April 1986 declaration. I will not restate all these operations or the relevant documents, however, each operation is GO territory and each document relating to each operation fits squarely under the Court's various discovery orders. I cannot consider that the orders have been complied with until the documents relating to all operations are received. There are literally thousands of documents being withheld by the organization and its attorneys.

10. What the organization also is doing to avoid exposure and compliance with discovery orders is to strip the plaintiff "corporation" of its personnel, functions, buildings, assets and files. When I left the organization, the Church of Scientology of California (CSC), under Hubbard, was the entire GO, Sea Organization, and all Scientology above small outer organizations and franchises, which were even then under CSC/Hubbard control. Attached hereto as Exhibit K are pages from the deposition of Cynthia Morrow, "managing agent" of CSC, taken October 29 and 30, 1985 in the case of Church of Scientology of California v. Jordan, LA Superior Court No. C538 049. Ms. Morrow testifies that by 1985 CSC had been stripped of all money-making organizations (service orgs) and was merely an "Office of Special Affairs." In the Christofferson case in Portland, Oregon, former Executive Director International, William Franks testified that in December 1981 CSC had a net worth of $340 million and $150 million in one Sea Org Reserves

account alone. His testimony is attached hereto as Exhibit L. In the case of Wollersheim v. CSC, just tried in LA Superior Court, the organization submitted a financial statement, attached hereto as Exhibit M, claiming a net worth for CSC of $18,667,947.00. On information and belief, in September CSC claimed that it had decreased its net worth another $6 million plus since the May financial statement was prepared, leaving a net worth of around $12 million. The organization's various conveyances and corporate machinations, however, should not shield the organization from liability for its tortious and criminal acts, and should not provide an escape from non-compliance with discovery orders. The Court has already ruled on the alter ego issue in this case, and this reasoning is applicable to this discovery matter. The people who run CSC run all of Scientology, and they can produce any document having anything to do with me now in the possession of any Scientology unit, organization, corporation or individual.

11. Attached hereto as Exhibit N is an organization policy written by Hubbard entitled "Order Board and Time Machine." In it Hubbard states as "a major policy:"

"if it is not written, it is not true."

He goes on to set as policy: "Even when one gives a verbal order it is also written down." There are literally dozens of organization policies insisting emphatically on the same thing: written orders, written compliances, written programs, written projects, written evaluations. Written orders, programs and missions are "word-cleared,"drilled," and "done in clay" so they are fully understood. It is impossible with verbal orders or

137

reports. Even if the organization is hiding its orders, reports and files on me electronically in its computer system, and even if under my initials or a code designation, they exist. "If it isn't written it isn't true," and the insistence on everything being in writing is hard policy in all Scientology organizations. Virtually nothing except for body functions, at the Sea Org/GO/OSA/CSC level is done without written orders and a written record.

12. The organization's strategy, beyond its direct attacks aimed at my personal destruction, is to lie and stonewall to hopefully delay the January 1987 trial, or make it, with obstructions of all kinds, unbelievably difficult to try the case. The organization and its attorneys, who accuse me of conspiracy, are the conspirators in this paranoid and dangerous plan to thwart legal redress of their victims. The Court can move along the case and the discovery matters, and the organization's assault on sanity and justice can be checked by enforcing full compliance with its various orders, and the intent of the law.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 11th day of October, 1986 at Boston, Massachusetts.

Gerald Armstrong

138

EXHIBIT 12 PAGE 11

CHRONOLOGY: Gerry Armstrong

1 May 82	Flynn says he spent 2½ hrs with Armstrong . There was a 50-50 chance Gerry would come down to the CW hearings (he didn't) . He (Flynn) said Gerry was really paranoid and afraid he would be murdered if he came to CW.
25 May	Gerry says he is now working in a law office as a researcher He's not enthused over it. Also claimed some LRH photos were stolen - says he's mad as they were personal and worth a lot of money. Assumes they were stolen by the Church.
31 May	Flynn says he will have lots of speakers for the "Open Forum"- including Nibs & Gerry Armstrong.
1 June	Nibs says Gerry Armstrong brought 2 people out of the Church with him and that there are 10-12 who worked with LRH who are coming out. Says Gerry has docs that show the Church has $250 million in cash in banks and $35 million in one bank alone. Also Gerry is supposed to have original LRH application to explorers Club, personal orders from LRH, directions and codes, and that the 20/20 show will have data from Gerry.
2 June	Gerry was served in person with a legal letter at Omar Garrisons PO Box. We got his license # and description at this time as well. The phone # Gerry has been giving out is Omar's publishers- Ralston-Pilot Publishing Co- answering service. Omar is pretty much the whole company.
9 June	His new address is 1991 Newport Ave, Apt A, Cosa Mesa Ca. We took his old phone # to this address. Report says he was shaken by the letter that was delivered to him(the legal one) He's not sure what it means- thinks he's been sued, or about to be. Expressed remorse that things came out the way they did- since he has friends in Scn. He expressed bitterness with the"organization". Says he doesn't yet have an attorney but it looks like he will have to get one.
12 June	Eddie Walters mentioned that Gerry Armstrong turned & brought Eddie everything he had as far as data . He came to Eddie in Clearwater. There will be a big meeting in LA and data bout LRH will be made known(that he had operations & was on drugs) supposedly.
	also Eddie says Gerry provided him with lots of photos of LRH and some were supposed to have been only a couple mos old.
15 June 82	Flynn in CW has an ~~[illegible]~~ original contract with Omar Garrison for the LRH Biography. It appears to be an original. He also has letters from Bridge concerning the publishing of the Bio- concerning royalties. They apparently were given to him by Gerry Armstrong. He also has Gerrys home and work phone numbers.

139

Gerry Armstrong TI entries

13

22 July 76	Signs adeclaration that he feels Scn has improved all areas of his life and has not suffered the slightest deterioration in any way, because of any action by any member of the C of S. Witnessed by Lynn Froyland.
26 Mar 75	Gerry is assigned Liability for witholding Vital info- apparently by AG or AGI Flag.
Undated	Gerry signs a bond covering confidential matters, in Canada, but its for the Church of Scn. of Calif. It looks to be incomplete. That is not fully filledin by others who should have signed it.
15 Aug 75	CMU waives Gerrys psych history , and his CSW for the GO is ok to go up lines. In his CSW to CMU he wants to join the Info Bureau.
1963	made 3 Or 4 visits to a Dr. Slakov (psych) in Vancouver BC. This was at his parents insistence, as they considered him emotionally unstable , difficult to control and he would get very angry. He was given tranquilizers twice.
1969	Got into Scn at Little Fountain Franchise in Vancouver and was on staff there in 1970.
1970	On staff at Little Fountain Franchise in Vancouver.
Feb 71	Joined the SO and came to Flag in Feb 71.
Nov 74	holdsthe post of Dir Info in the Port Captains office on Flag.
22 Sept 75	Gerry signs a bond for 10,000 sterling to not divulge the whereabouts of the Apollo or any nature of his employment with the church.
22 Aug 77	Comm Ev called at the request of Peter Gelfan who is on Mission. Gerry and 2 others in the RPF are accused of undermining and unmocking the mission.
30 Nov 77	Gerry is commended by Snr C/S (Looks like David Mayo) for his good work as RPF bosun, and for making the RPF successful. This same date there is a report from the Snr C/S that he is not PTS, asit was handled earlier in the RPF, makes good case gain, all R/S's are handled as well as evil purps as he has had full XDN. Has C/S OK to graduate.
6 Apr 75 ✓	Despatch to the Dian C/S , to get Gerry into session and fixed up. He is stated to be very upstat , but is beginning to sag, self invalidate, going out of comm,..is enturbulated and looks black.
Undated letter	says that his parents think he has been shanghaied , that the two le letters he did write weren't really from him. Says they have contacted P Police&Interpol possibly.
13 June 75	Gerry receives a letter from his mother which says she got aletter (actually an unsigned post card) and 2 phone calls telling her Gerry had been shanghaied and was in trouble. Says he had written his mother , and so had Terry, but she had never received the letters. He feels it is someone from his home area who is now disaffected with Scn trying to cause trouble.
11 July 75	Gerry gets the post card that was sent to his parents. Says the handwriting looks much like George Kellys . His mother said the people who called were definitly two different people. He has known George Kelly for years.
1963-68	Gerry Armstrong hung around with George Kelly. He has known him for 20 years as of 1975.
Sept 74	George sends Gerry some thing to "put in proper hands". This report says Roger Bennett got George and Gerry in Scn.

14

Undated 1975	[illegible] has 3 brothers- Jim , Andrew , and Tony. He also has a sister named Rosalie. His father is named Robert Martin Armstrong and his mother is named Phyllis. His father is retired and has lung trouble. Other Scientologists from his home town area are: Guy and Sheila Morlen, Joan McCandless, Roger Bennett, Tom Sorutz, Art Griffin, Cecil Rudolf.
5 Sept 75	Report states that Gerry's mother is antagonistic to Scn and considers it quack religion. She had priorly approached the Royal Canadian Mounted Police who had told her that since Gerry was over 21 there was nothing to be done. Gerrys phone call home was apparently taped by the RCMP.
Nov 75	Gerry has just earlier been on leave to visit and handle his family. Found they had been getting entheta from the McLean articles. His mother is antagonistic to both him and to Terry at first, but this does eventually get handled. Also during this visit there is a letter given to Gerry by his mother, from an former girlfriend who apparently still carries the torch- though she has been married herself for 3 years. Gerrys mother is asked to pass he letter on to Gerry in "your usual discreet manner".
24 Nov 75	A note statesthe Gerry has spent the last 5 years desperetly trying to avoid auditing. Also that his mother is listed as a potential witness for a guy named Rankin in Canada, who is an enemy.
28 Aug 77	Gerry writes that his mother was in the hospital for an operation and for some reason was kept in the psychiatric ward of Chilliwack Hospital. He didn't ask anyone for details on why.
Oct 69	Took HAS course , Little Mountain Van, BC.
Nov 69	Took the HQS course in Vancouver.
April 70	Took HSDC in Vancouver. Never completed.
Feb 71	was on the Bolivar in LA. Did the AB Checksheet. Didn't complete.
Feb 7[illegible]	Was on Flag. Did checkout mini and SSI.
Aug 71	did the Sailor checksheet on Flag.
April 72	Got Dianetic Triples in Vancouver.
1971	got M1 Wordclearing on Flag.
April 75	did the Drug R/D.
Oct 18, 1946	Born Chilliwack ,en Hospital, Chilliwack B.C. Canada.
1946-50	Lived in Sardis BC, Canada
1950-57	lived at 133 Princess Ave. E. Chilliwack
1957-65	lived at 125 Princess ave Chilliwack, B.C, Canada.
1966-67	spent long periods in logging camps of [illegible] Timber Co, on Vancouver Island , and in a camp of Cattermole Timber Co on Harrison Lake in BC.
1968-69	Lived in Vancouver BC, 2270(?) 7th ave, while attending University of British Columbia.
Oct 69-Jan 70	Lived at a different ad ress in Vancouver with his brother . Didn't remember the address.
Jan 70-Sept 70	Lived with his brother Tony at 610, 10th ave.
Grades 1-6	attended Chilliwack elementary school
Grades 7-9	attended Chilliwack Jr. High School

141

CONFIDENTIAL 15
CLIENT

Gerry Armstrong Time Track

11 Mar 1971	Never attested to grade IV triples.
Mar 1972	WAS SHIPS REP.
11 Feb. 1973	DOES LIABILITY
JULY-AUG 1973	THERE ARE NUMEROUS NON-COMPLIANCE CHITS AND DEV-T.
Nov 1973	GERRY ETHICS FILES IS FULL OF NON-COMPLIANCE REPORT
10 Nov 1973	GERRY IS ASSIGNED LIABILITY BY FCO 2643
14 Nov 1973	GERRY IS FOUND GUILTY OF PRETENSE PER FCO 2639-1
20 Nov 1973	WAS APPARENTLY ASSIGNED A CONDITION OF TREASON BY FCO 2639-1
20 Nov 1973	FCO 2639-1 ASSIGNS GERRY A 50 HOUR AMENDS PROJECT.
25 Nov 1973	IS ASSIGNED DOUBT PER FCO 2573-1
26 Nov 1973	IS ON POST AS SHIP'S REP, THIS IS PER A COMMENDATION FOR MOVING LRH, MSH INTO A HOTEL.
7 Dec 1973	FCO 2639 GERRY IS LISTED AS COUNTER INTENTION TO COMMODORES MESSENGERS, OTHER NAMES ARE ALSO ON THE LIST.
30 JAN 1974	HAD A RANK OF MSK.
30 JAN 1974	ASSIGNED A CONDITION OF LIABILITY. FOR A NON-COMP REGARDING CLEARING CLEARING OF PASSPORTS.
Feb 1974	GERRY IS ABOARD THE APOLLO.
23 FEB 1974	FLAG PERSONAL ORDER PROMOTES GERRY TO WARRANT OFFICER
25 FEB 1974	GERRY IS PROMOTED D/PORT CAPTAIN I/t

16

31 MARCH 1974	CALLED BEFORE A COURT OF ETHICS REGARDING FR STUDY, BY FCO 2972
MAR 1974	ACTIVILY HOLDING POST OF SHIPS REP.
18 MAY 1974	GERRY IS ASSIGNED A CONDITION OF DOUBT BY FCO 3024 FOR NOT WEARING HIS HAT.
12 JUNE 1974	GERRY DOES UP A LIABILITY FORMULA THIS WAS ASSIGNED BY FCO 2822.
JULY 1974	HOLDING POST OF DIR SHORE REALTIONS.
13 JULY 1974 - 15 JULY 1974.	DID CONDITIONS FROM CONFUSION UP THROUGH LIABILITY.
SEPT 1974	WAS HOLDING THE POST OF T/PORT CAPTAIN.
Dec 1974	Meets Tonya Burden on the Apollo.
APR 1975	WAS ON POST AS DIR INFO.
15 Aug 1975	THE GUARDIAN WW APPROVES GERRY'S REQUEST ON THE PSYCHIATRIC HISTORY REQUIREMENT.
Feb-Apr 1976	GERRY WAS TANYA BURDEN'S DIRRECT SENIOR.
1 JULY 1976	TERRI AND GERRY ARE ASSIGNED TO THE RPF BY FCO 4517 THIS IS BY ORDER OF THE COMMODORE, CHARGES ARE: INSUBORDINATION, NEGLECT OF DUTY, CASE ON POST.
22 July 76	Finishes Basic Auditing Course on the RPF.
22 July (76	GA is RPF Bosun, routing on to metering course.
28 July 1976	GERRY SIGNS A PROMISSORY NOTE TO THE C OF S OF C FOR 3750.00 (NO DATA IF THIS IS A LOAN OR WHAT).
10 AUG 1976	ED 81 AREA ESTATES ED ORDERS THE DEMOTION OF GERRY FROM RPF BOSUN TO SECTION MEMBER.

000005

.143

EXHIBIT 16 PAGE 110

17

20 Aug 76	GA finishes metering course.
24 Aug 76	Finishes Ruds Course on RPF.
28 AUG 1976	GERRY ARMSTRONG IS APPOINTED TO RPF SUPPLY & STEWARDS OFFICER.
NOV 1976	DOES TREASON FORMULA.
9 Nov 76	Finishes RPF II and Sec Check Course.
17 Nov 76	Finishes TRs Course on RPF.
7 DEC 1976	DOES FIRST DYNAMIC DANGER FORMULA.
Dec 1976-Dec 1977	GERRY SAYS HE RAN THE RPF.
FEB 1977	DOES A LIABILITY FORMULA.
FEB/MAR 1977	GERRY ARMSRTONG IS RPF BOSUN
Summer of 1977	GERRY IS BOSUN OF THE RPF WHEN TONYA BURDEN IS PLACED THERE.
22 Aug 1977	COMM-EV CALLED ON 3 PERSON'S GERRY IS AN INTRESTED PARTY AND HIS POST IS RPF BOSUN. HE APPARENTLY WAS MESSING UP A MISSION THAT WAS MOVING ALONG.
14 Dec 1977	TERRI ARMSTRONG AND GERRY ARMSTRONG GO TO LV TO PICK UP TONJA BURDEN WHO HAD BLOWN.
30 Nov. 77	Dispatch from Larry Price RPF Bosun - " Gerry Armstrong has my unequivocal recommendation for graduation from the RPF. In my book he put the RPF here and when I stepped in to take over from him there was already a smooth running operation that was aligned with LRH's intention for the RPF. Gerry is one of the most honest individuals I have met and was an inspiration to me as a senior. I learned a lot from him and would not have been able to be an effective RPF Bosun without the hatting and experience I received under him. He is an example the rest of the RPF can be proud of and is a Sea Org Member in the true sense of the term. He goes with my full back-up and best postulates. He'll be a tremendous asset to whatever unit is lucky enough to have him. "

EXHIBIT U PAGE 17

20 Dec. 1977	- Per dispatch of the date Gerry Armstrong is approved for SU provided he is not on CMU or CSG lines. Not on CU lines or senior to messingers. Not to be trusted in a position of trust or near sensitive comm lines.

18

29 Sept 1978	IS ON A RPF READ IT DRILL IT DO IT COURSE ROUTING FORM. APPEARS HE IS ON RPF.
29 Sept 1978	GETS ON THE RPF BASIC HAT CHECKSHEET
1 Oct 1978	FINISHED RPF BASIC HAT CHECKSHEET.
1 Oct 1978	STARTED SOLO COURSE.
11 Nov 1978	FINISHES THE SOLO COURSE BUT ATTEST PART IS NOT SIGNED OFF NOR IS THE AUDITING PART.
19 Dec 78	Gerry is demoted from RPF MAA to RPF member per Conditions order 384 WHQ.
24 Jan 79	Armstrong goes to see Bill Fosdick and Debbie Carringer where they are staying at Fosdick's parents' home in Pine Grove, XXX Calif. XXXXXXX Fosdick & Carringer have blown the WHQ & SO and Armstrong sees them in order to get them routed out properly. He gets their agreements to get sec checked, do OW write ups, audited etc at a nearby hotel as XXXXX arranged by George Carringer.
29 Jan 1979	IS HOLDING THE POST OF RPF MAA.
29 Jan 1979	IS REQUESTING A BOARD OF REVEIW (IT IS NOT CLEAR IF HE HAD REQUESTED IT PRIOR TO THIS DATE.
29 Jan 1979	BOB LITTLER WRITES A SUCCESS ON BEING ON THE RPF (NOTE: BOB IS NOW DISAFFECTED AND ALSO THAT GERRY WAS THE RPF MAA AT THAT TIME OF HIS WRITING)
28 Jan 1979	GERRY IS HELPING BOB LITTLER GET ANY INJUSTICES CLEARED UP AND BOB IS REQUESTING A REVEIW COMM-EV. IT SEEMS THAT GERRY IS REALLY ACTING BUDDY BUDDY WITH BOB.
7 Feb 79	SU Conditions Order 288-2 Review Comm Ev recommendeds his RPF Assignement be cancelled, he does not qualify as Joker and Degrader per points 1-4 of HCOPL 5 Feb 77 Jokers and Degraders. He is assigned to SHQ to be assigned by SHQ CO manager. Gerry takes the lowest condition x he has ever been assigned and works thru it with full amends.
3 April 79	Gerry writes a report to comm ev Joe re Chris Byrne/ Bitty Tompkins and himself. Says Chris was feeding Bitty entheta while she was on the RPF,(comments made by others about Bitty) upsetting her. Said Byrne hated the CMO and threatened to leave his wife if she joined. Also that he hated the RPF policies and felt it was no better than a South Carolina jail. (Byrne's statements)

145

8 Apr 79 Gerry writes a chit that recent vehicles bought are dangerous, inoperable !?
and out PR. States he was told LRH ordered only $500 be spent on each, but
he feels this is wrong and others are using LRH to front for them.

9 Apr 79 Writes knowledge report on Fred Rock for his comm ev.

9 April 79 Writes a knowledge report defending Fred Rock who is under comm ev.
Fred was Port Captain SU.

9 April 79 Gerry writes a report re Mike Butler. Debbie Carringer has told Gerry
that she has seen only 2 R/Ses that she could a ttest as being valid.
One was on herself in a solo session, so therefore, per Gerry, this c
casts doubt on Mike's having one, since Debbie has accused at least 2 other
RPFers of having List one R/Ses/

11 Apr 79 Bitty Tompkins is returned to the RPF for false reporting on
a fellow staff member by Laurel Rick and GA.

16 Apr 79 Enturb report on GA with HE & R about not getting his purchasing
gas paid for.

17 Apr 79 Knowledge report from GA re transport saying there is a general
feeling of overwhelm with the Tansport Unit. Area needs a
strong SO exec.

2 May 79 Gerry writes a chit on RPF staff as someone knew several hundred dollars worth
of LRH's tools had been left in the rain and some had rusted. This was
known by the RPFers, but they went to study instead of handling.

5 May 79 Gerry writes a chit on Bitty Tompkins complaining of the fact that she has
not turned over her post properly, and that per an audit there is lost
accounting, to the sum of $14,000.

5 May 79 Gerry writes a chit on Chris Byrne for letting Bitty Tompkins leave the
accounts area, and himself leaving the area, with accounts for the project
not having been prpperly done. Says one disbursement was used to cover
another due to out admin(Chris' act)

13 May 79 Gerry writes a chit on Randy Young who has lost some reciepts and DV's(
Disbursement vouchers) from the renos project. He has to take a part back
and can't find the reciept.

20 May 79 Comm ev called on Gerry and others is cancelled.

21 June 79 he left SU with Nanny Francis- went by bus to San Francisco, dropped her
off and continued to Canada.

22 June 79 Commendation on Gerry for his work on the R home pjt.

25 June 79 Nanny Francis called Gerry in Canada and said she wasn't happy in SFO and
people were trying to get her to not go back.

1 July A called Nanny Francis. She said she wasn't going back to SU.

EXHIBIT [illegible] PAGE 19

146

20

15 July 79 Write up of his connection with blown staff Manny Francis. Said he kissed he a few times, encouraged her to handle her 2D problems with h usband Tom Francis. When it appeared she was adament on divorce? he took her to Tijuana

12 Aug 79 Gerry is promoted to Ensign(prov) by order signed by LRH. Flag Conditions order 3677

30 Aug 79 Shelly, R Services Chief writes Gerry has not handled Brendsa Black yet. Everytime she is sent to get something she spends a long time finding it. Maybe someone else should be put in charge of LRH's gear.

6 Sept 79 Signs a security pledge not to reveal anything about the Church's confidential actions in Calif or any other part of the world.

28 Sept 79 Norm Starkey writes a report that Gerry has been a good worker and always put duty first, and could be trusted.

29 Sept79 Gerry writes to Dir I & R and says he doesn't want to be on any justice actions for a while as he has too much work & his seniors are away, and the one he just finished caused him to lose too much sllep- making driving dangerous.

20 Oct Gerry is the chairman on a comm ev on Becky Pook.

3 Nov 79 Commendation from Jon Horwich for handling some R Rance cycles/

7 Nov 79 Compliance report to LRH to order dated 24 Sept 79- to work out a seloution so the wet areas outside the house don't get trached in on the carpets. He did the cycle- getting indoor and outdoor carpet mats.

6 Dec 79 Gerry requests a chit from Anne Taskett be withdrawn. Says he gave incomplete data to his seniors and upset s were caused as a result. (Ann says this)

Jan 80 Gerry Blew from the purif- no comm to the C/S at all.

1930 GERRY ARMSTRONG'S NAME IS ON A LIST OF PEOPLE WHOSE PARENTS HAVE GIVEN SCIENTOLOGY A HARD TIME.

Feb 18 80 Report(Commendation chit)O From Dawn Preger to Laurel states Gerry did a lot of research into DIVE BOMBER. Was thanking Laurel for her help at a SEP event. Chit same date on Gerry (Commendation) states he did a lot of work researching LRH's role in the film- Dive Bomber.

7 Apr 80 Gerry got off an ow in session that he had an out 2D with Liz Lee.

9 Apr 80 Does lowers on first dynamic(Doubt) on up.

8 Apr 80 Report from Laurel Sullivan- says he did documentation on the purif- very thourough- is back on the biographical material, that in some cases he does what he wants to - regardless of orders. He is now auditing on OT I & II- which is his first case progress in a long time. He sisn't get along with Shirley but this got sorted out when Laurel threatened to throw them both out in the hall.

147

2/

10 Apr 80 does lower conditions for first , 2nd & third dynamics for out 2D.
(Lynn Lee)

14 April 80 report on Shirley Navarre(Lippmann)- says Shirley committed many overt products, that Laurel had trouble with her too.

17 Apr 80 Does Danger and emergency for letting 1st and 2nd dynamic activities conflict with 3D.

24 Apr 80 Commendation chit on Laurel Sullivan & Gerry Armstrong. Helped handle a flap at a wedding.

2 June 80 Shirley writes a chit on Jerry- indicates she would like it if he would STOP trying to be her personal ethics officer.

9 June 1980 Armstrong at SU

1 July 80 Gerry CSW's for a court of Ethics on Shirley Lippman. Says he found a lot of overt products from her. (poor quality xeroxing). However this is requested cancelled by A/ HAS Pers Office as she has been off the lines there and has done well in another area for the past 10 weeks. Feels her handling has been done.

12 July 80 Gerry is accused of making derogatory comments about the film Problems of Life. This clears up as a misdupe of a comm cycle.

9 Sept 80 George Kelly, a psychotic who is currently attacking Scn and threatens going to the CS Sun and give them a story, is currently in comm with Jerry Armstrong. They xx were on the Apollo together as crew members.

16 Sept 80 SC SU reports that per Lynn Walker, she did an out 2D scene with Jerry Armstrong.

23 Sept 80 Report from SC CMO SU that Gerry Armstrong had got drunk with Jeannie, Lynn and Sue possibly Olga tob, was goinh to each girl kissing them, and then got into each ones bed in turn, this data from Sue. SC says she hears he is now doing fine- but he only came off with the thing with Lizzie(?) which was separate- and he should be confronted with the rest.

22 Oct 80 Commendation from Gary Press. Press was in training at USGO, possibly on Audits and finance .

25 Oct 1980 Armstrong writes in letter to George Kelly, " But there xxxxxxx are some important points of agreement. DMSMH is the basic book and misapplication proceeds from LRH'S.
" I have had the good fortune myself to have done some of the NWC (NEW WORLD CORPS) courses and auditing actions. These do bring [illegible] understanding of the basic materials. -

148

29 Jan 1981 Armstrong goes to Torrance to fix his photocopier and in Torrance he goes to restaurant to have breakfast where he xxxx see Anne Rosenblum and two xxxxx men one of the men, XX Kevin Flynn as it turns out, came and sat by Armstrong and harassed him while eating.

7 March 81 Commendation Chit from SO #1 I/C for his assistance. Says he has provided service to all of us in SO#1 .

4 june 81 No Report Chit from Laural Sullivan- he failed to turn in stats.

10 June 81 Gets an " appreciation chit " from Lisa Britovich- MCCS 2nd. Apparently he did work with this mission.

14 Aug 81 Jerry arrived from a research project in IOWA. Hadn't a clue what was going on .(Re GO Missions) Report says hes been sort of leaderless- was under Laurel then she suddenly wasn't there any more. Per De De (Voegding?) Laurel had said she was about to pull Jerry in for Ethics handling as he had been nattering about CMO.

17 Aug 81 Interview with HCO CH FDOI states that he was never on GL legal or CMO lines directly so no ethics sit there. He noticed Laurel got upset reasily . Had not bad feelings about CMO. Was concerned about what was going on with Laurel, and the whole GO cycle. He was set up with his commlines to Barbs Share & Sue. Says he has always maintained a good line with HCO & Qual when not off traveling. He is busy organising all the data gathered on his trip, and says he has very good indicators on what he is doing and reallyenjoys what he is doing.

17 Jan 82 In meeting with Vaughn Young, Armstrong says that the current changes in the Church in the last six months came about because Ron was off the lines. Ron is the source of everything in Scn - both of these things implying LRH was the source of the criminality -per the report. The only way anyone can help him (Ron) is to leave Scn.
He (Gerry) xx can destroy/refute (forget exact word) every HCOB/PL that Ron wrote.
He (Gerry) is (and here I don't have exact word) a sensitive case or potential threat because what he knows.

19 Jan 82 Report from Sue Koon who did interview on Armstrong (case interview) " Not far into OT s he stopped auditing. He went on a leave and never got back on the level. Around that time I did xxxxxx an interview on him and he brought up the data that he hadxxxx encountered (the data he couldn't talk about). It was pretty charged and there was nothing written in the worksheets as to the nature of what he was talking about, due to security. "

20 Jan 82 Per report from Vaughn Young, Young has seen Omar Garrison. Garrison mentiones that he has seen GA a day or two before and spoke highly of Armstrong.

21 Jan 82 DSI US finds the Armstrongs living in Omar G's house while they were in Utah but since Omar has returned, they have moved to an apartment close by in Costa Mesa.

27 Jan 82 Report from Vaughn Y. - Vaughn meets with GA " He(GA) brought up (and had some suppressed grief on) a report written on him by Norm Starkey. Said the report was not sent to him but wanted a secret action done on Gerry. Said that was the final [illegible] and that was when he decided to leave.

6 Feb 82	Terri G meets with GA. He's disaffected and rattery. Says the Omar bio will expose the truth about Omar. Said he was worried about FI checking into him, and his brother-in-law Scott Brown. Said he didn't want to be the victim of a FI op like an assasination. Terri orders him to be declared. Omar called Vaughn saying he was thinking of hiring GA to assist him on his project.
18 Feb 82	SP declare on GA for blowing and spreading destructive rumors about senior Scientologists.
23 Feb 82	Report from AGI CLA - " My conjecture on what happened (with Gerry) is that he must have run into some SP(s) while doing his research on the LRH BIO. Apparently he interviewed about 80 people who all knew LRH, and ran into a lot of old timers, many of whom are off lines for years. It could be that he ran into a lot of entheta from an SP or two which served as the straw on the camel's back. Per the C/s who reviewed his folder after his blow, he was unflat on OT 3 for about a year, and that entheta might have triggered something. Per his folder, he made good case gain. "
24 Feb 82	Report from a person in comm with Laurel Sullivan. Says after working with GA, Laurel has been exposed to data by Gerr on R which enturbulated her. GA has been in touch with her. Laurel has made it clear to him that she does not want to have any entheta on her lines. Also Gerry was complaining of people in "FI" calling around to his relatives looking for him and he felt harrassed. GA said he could be a dangerous enemy in court if pushed too far.
26 Feb 82	Report from Finance US on GA financial data. No definite crimes were found, but some outpoints came up ([illegible]) Suit bag, sweater, tie , attache case - total 121.55. Were these legit? Meals seemed overly expensive. There were a number of cycles in which GA paide people sums of money for apparent LRH writings. — Mrs. Stevens, Helen O'Brien, Barbara Snader.
2 Mar 1982	Gerry And Joyce Armstrong may be in Phoenix, Arizone with Joyce's parents.
8 Mar 82	GA reported as being seen at Omar V. Garrison's home.
19 Mar 1982	IT IS REPORTED THAT GERRY HAD TAKEN OR ACCUALLY SHOT HIMSELF SOME PHOTOS WHILE DOING RESEARCH.
22 Mar 82	Spec Pjct PA orders SC Int CIO to pull in Barbara Cecell for an interview on another subject, then metered interview to pick up her relationship with GA.
25 Mar 82	GA's phone number is listed to a "John Compton" at 656 Center, Costa Mesa. He is excited about a new philosophy that he is developing. that he's developing. still rattering about Church organizational mishandlings and incompetence. Says he's working on a book.

24

31 Mar 82 GA has changed from thin to gaunt. All he eats is a half pound of brown rice a day. He's acting type III. GA says he wants to write a book which will be a thinly veiled science fiction parody of Scn and LRH. It will be a bout a writer who starts a cult. Says if you meditate God will talk to you. The voice he heard told him he ought to walk across the country and carry on his back all the food he could eat for the whole trip. Then he could write a book about his experiences. (He was encouraged). GA is still in comm with Omar. Per GA Omar is upset with the Church and wants to get the book back from the Church so that he can publish it himself - hopefully with a larger and more reputable publisher. His ARC X with the Church is that he is not able to put the "truth" about LRH in the book. GA says he's

in comm with Ron Strauss and others. He's been saying all pl doesn;t work, drugs and LSD are OK, est works. Says LRH is paranoid and ill. Say's he's been popping pills and is quite misemotional. Says LRH is being manipulated by those around him. Wife Joyce, agrees with GA but is less intense. GA is in comm with Mits personally and Barbara DeCelle.

1 Apr 82 Letter from GA to Dick Sullivan. Says he heard a rumor that someone out his way (SU) embezzled a lot of cahs so the rest of the crew had their hands cut off. Then more 1.1 humor on the type A sits which developed etc. Syas he's going to start a training pgm with weights pretty soon. Says he saw Dan Sherman a couple days ago and he's writing a book.

11 Apr 82 Dick Sullivan writes back to GA. Its good roads and sort of nullifying.

14 Apr 82 Rpt from Vaughn clarifying earlier report on GA's finances. Vaughn says he saw him balance his books before leaving. Review of GA's books showed them to be in ordek but discrepencies were found. During a trip through the mid-west he was traveling by himself for a couple of weeks, but suddenly another person joins him and there are then receipts for this other person. Couldn't find $10-20 worth of book receipts. $10 of receipts were made out to others who we did not know.
GA put on some receipts that he was "representing OVS -author" which is misreprepresation. Vaughn's theory is that GA and Omar have homosexual relationship.

15 Apr 82 Dick Sullivan of SU writes to Steve Marlowe sending him copies of two letters he got from GA. Letters ~~sy~~ make 1.1 references to the GO trying to track him down, he's not impersonating a messenger, etc. Gives his PO Box and pphne number.

18 Apr 82 Steve Marlowe acks Dick Sullivan of SU for passing on the letters he received from GA, saying they are really a bunch of shit. Tells him to stay in comm with GA, with comm to GA going via Steve.

23 Apr 82 GA does notarized statementdescribing photographs ina phot album which were taken aboard Apollo on Dec 10, 1974. People include Terri Gillham, LRH, Pat Brooker etc. (Wedding pictures of Terri and Gerry Armstrong). The photos described above belong to LRH under the care of the [illegible].

24 Apr 82 GA writes up description of a set of photos of LRH, saying where they were taken etc.

24 Apr 82 Jim Dincalci does a statement describing a group of photos of LRH, saying where and when each was shot.

24 Apr 82 SP Declare (revised) on GA is published. Says he took unauthorized leave, theft, church propoerty stolen, sselling org property, impersonating a Scn when not authorized, etc. Says since leaving he has falsely represented himself as on a "secret mission," spoken out pro LSD, etc.

EXHIBIT 4 PAGE 24

151

25

1 May 82 Flynn says he spent 2½ hrs with Armstrong . There was a 50-50 chance Gerry would come down to the CW Hearings (he didn't) . He (Flynn said Gerry was really paranoid and afraid he would be murdered if he came to CW.

9 May 82 Dispatch from Norman Starkey says GA took some photos while doing research. He has retrived them. No villation of the law here at all. The goods (which we did not specify as stolen are retrieved).

16 May 1982 GERRY RETURNED SOME SLIDES THAT BELONGED TO THE CHURCH, HE GAVE THESE TO ANDRE CLEVELL. GARY SIGNED A STATEMENT THAT HE HAD CHURCH PROPERTY.

25 May Gerry says he is now working in a law office as a researcher. He's not enthused over it. Also claimed some LRH photos were stolen - says he's mad as they were personal and worth a lot of money. Assumes they were stolen by the Church.

31 May Flynn says he will have lots of speakers for the "Open Forum"- including Nibs & Gerry Armstrong.

1 June 82 GA gets served with a legal letter at His PO Box in Costa Mesa.

EXHIBIT U PAGE 25

1 June Nibs says Gerry Armstrong brought 2 people out of the Church with him and that there are 10-12 who worked with LRH who are coming out. Says Gerry has docs that show the Church has $250 million in cash in banks and $35 million in one bank alone. Also Gerry is supposed to have original LRH application to explorers Club, personal orders from LRH, directions and codes, and that the 20/20 show will have data from Gerry.

2 June Gerry was served in person with a legal letter at Omar Garrisons PO Box. We got his license # and description at this time as well. The phone # Gerry has been giving out is Omar's publishers- Ralston-Pilot Publishing Co- answering service. Omar is pretty much the whole company.

9 June His new address is 1991 Newport Ave, Apt A, Cosa Mesa Ca. He took his old phone # to this address. Report says he was shaken by the letter that was delivered to him(the legal one). He's not sure what it means- thinks he's been sued, or about to be. Expressed remorse that things came out the way they did- since he has friends in Scn. He expressed bitterness with the"organization". Says he doesn't yet have an attorney but it looks like he will have to get one.

12. June Eddie Walters mentioned that Gerry Armstrong turned & brought Eddie everything he had as far as data . He came to Eddie in Clearwater. There will be a big meeting in LA and data bout LRH will be made known(that he had operations & was on drugs) supposedly.

also Eddie says Gerry provided him with lots of photos of LRH and some were supposed tp have been only a couple mos old.

15 June 82 Flynn in CW has a contract with Omar Garrison for the LRH Biography. It appears to be an original. He also has letters from Bridge concerning the publishing of the Bio- concerning royalties. They apparently were given to him by Gerry Armstrong. He also has Gerrys home and work phone numbers.

152

CONTOS & BUNCH
5855 Topanga Canyon Boulevard
Suite 400
Woodland Hills, California 91367-4694
Telephone (818) 716-9400

Attorneys for Defendant and
Cross-Complainant GERALD ARMSTRONG

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

CHURCH OF SCIENTOLOGY OF CALIFORNIA, a California Corporation, Plaintiff, vs. GERALD ARMSTRONG, et al., Defendants.	CASE NO.: C 420 153 [Severed Action] REQUEST FOR PRODUCTION OF DOCUMENTS FROM CROSS-COMPLAINANT GERALD ARMSTRONG TO CROSS-DEFENDANT CHURCH OF SCIENTOLOGY OF CALIFORNIA
AND RELATED CROSS-ACTIONS.	

EXHIBIT 12 PAGE 216

TO CROSS-DEFENDANT CHURCH OF SCIENTOLOGY OF CALIFORNIA AND TO ITS ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that pursuant to Code of Civil Procedure, Section 2031, on September 9, 1986, at 10:00 a.m. at the Law Offices of Contos & Bunch, 5855 Topanga Canyon Boulevard, Suite 400, Woodland Hills, California, Cross-Complainant requests Cross-Defendant to produce for copying and inspection by counsel for Cross-Complainant each of the documents specified in Schedule A annexed hereto. Such items are believed to be in Cross-Defendant's custody, control or possession, not privileged, and relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence in this action.

PLEASE TAKE FURTHER NOTICE that, pursuant to the express provisions of Code of Civil Procedure, Section 2031, Cross-Defendant shall serve a written response, subscribed under oath by an officer, director or managing agent of Cross-Defendant to this Request within twenty (20) days after service of this Request. Said sworn Response, pursuant to the requirements of Section 2031(b), "shall identify the documents, papers, books, accounts, letters, photographs, objects, and tangible things falling within the categories specified in the request which are in the possession, custody or control of the responding party."

EXHIBIT 12 PAGE 37

This Request calls for identification and production of, and defines "documents" to mean, without limitation, the following items, whether printed or recorded or reproduced by any other mechanical process, including audio and/or visual process, or written or produced by hand: agreements, communications, city, state and/or federal governmental proceedings and hearings, transcripts and reports, correspondence, telegrams, memoranda, summaries of records of telephone conversations or interviews, diaries, graphs, reports, notebooks, note charts, plans, summaries or records of meetings or conferences, summaries or reports of investigations or negotiations, opinions or reports of counsel, consultants, photographs, tape recordings, cassettes, motion picture or television films, brochures, pamphlets, advertisements, circulars, press releases, articles, or any publications, drafts, files, letters, any marginal comments appearing on any document, computer print-outs and all other writings, or printed materials.

DATED: August 4, 1986

CONTOS & BUNCH

By: Julia Dragojevic
JULIA DRAGOJEVIC
Attorneys for Defendant
and Cross-Complainant
GERALD ARMSTRONG

3:27:14

EXHIBIT 6 PAGE 28

SCHEDULE A

1. All documents from which the entries on the 14-page "time track" were excerpted or on which the entries were based. Said "time track" was produced as part of the B-1 File during the Christofferson trial.

2. All documents contained in Cross-Complainant's "ethics" and "personnel" files.

3. All records and documents concerning the incarceration of Cross-Complainant in the US GO Intelligence Bureau in Fifield Manor in June, 1976.

4. All documents generated as a result of the interview of Cross-Complainant done by GO Intelligence official, Brian Roubinek, in July/August, 1976 in Clearwater, Florida.

5. All Compliance reports, progress reports or any documentation whatsoever regarding each of the "steps" of the "Gerry Armstrong Project" of February 17, 1982, attached hereto as Exhibit A.

6. Any and all documentation containing information culled from Cross-Complainant's pc (or preclear, or auditing, or processing) files.

EXHIBIT L6 PAGE 29

7. All documentation upon which the report of September 30, 1982 re Dead Agenting Gerry Armstrong is based.

8. Any and all documentation, including correspondence and reports to and from the private investigators who surveilled Cross-Complainant and his wife beginning in May, 1982, and who assaulted Cross-Complainant,

ran into him, attempted to involve Jocelyn Armstrong and him in freeway accidents, and who followed and harassed them through September, 1982.

9. Any and all documentation concerning a visit and subsequent telephone calls to Cross-Complainant by Marty Rathbun from February through April, 1984. Said documentation includes, but is not limited to, an "eval" Mr. Rathbun stated had been done regarding Cross-Complainant, as well as all documents relating to the "eval."

10. The mission, project or program orders pursuant to which Terri Gamboa met with Cross-Complainant on March 8, 1984, and subsequently wrote her "debrief" of March 12, 1984 attached hereto as Exhibit B.

11. All orders, reports, correspondence and documents concerning surveillance and harassment of Cross-Complainant by agents of Cross-Defendant in London in June, 1984.

12. All orders, reports, correspondence and documents relating to the operation in June, 1984 to use Cross-Complainant's folders to entrap him. This operation was acknowledged by the two agents of Cross-Defendant, Mike Rinder and "Joey," in the videotapes illegally taken of Cross-Complainant in November, 1984.

13. All orders, reports, correspondence, and documents relating to OSA INT Executive Directive 19, of September 20, 1984, a copy of which is attached hereto as Exhibit C.

EXHIBIT 6 PAGE 30

14. All orders, reports and documents concerning

the photographing of Cross-Complainant by Cross-Defendant's members on November 8, 1984 in Los Angeles, including the original photographs taken.

15. All orders, reports, correspondence, materials and documents concerning the burglarizing of the trunk of Cross-Complainant's car on November 8, 1984, and the theft therefrom of a manuscript and artwork of approximately 350 pages, and various documents relating to the within litigation. This request includes the stolen materials themselves.

16. All copies made by Cross-Defendant's agents, known to Cross-Complainant as "Joey" and "Rena," of Cross-Complainant's writings and drawings which "Rena" requested as a potential publisher, and which Cross-Complainant loaned to "Rena" on November 9, 1984. These consisted of approximately 250 pages of personal creative works.

17. All records, reports, orders, correspondence, documents and audio and video recordings of a meeting (arranged by Cross-Defendant's agents posing as "reformers") between an attorney, Thomas Janeway, and Cross-Complainant in November, 1984 in Encino, California.

EXHIBIT U PAGE 31

18. All records, reports, correspondence, orders, documents or materials relating to the obtaining of false authorizations directing and/or authorizing the videotaping and wiretapping of attorney Michael Flynn and Cross-Complainant in November and December, 1984. Three of these authorizations are attached hereto as Exhibit D.

19. All records, reports, correspondence, orders,

audio and video recordings, documents or materials relating to an attempt by Cross-Defendant's agents to persuade Cross-Complainant to fly to Las Vegas, Nevada in the fall of 1984 to meet with a proposed "backer" of Cross-Defendant's agents posing as "reformers."

20. All correspondence, reports, statements, documents or materials supplied to or received from the Los Angeles Police Department, or any officer thereof, from 1982 through 1984 regarding various attempts to have criminal charges brought against Cross-Complainant in connection with Cross-Complainant's alleged theft of the Hubbard archives. This includes, but is not limited to, documentation generated through contacts with Officer S.J. Capuano in the N.E. Detective Division of the Los Angeles Police Department.

21. All orders, reports, projects, programs, briefings and debriefings, audio and video recordings, and all related documents and materials concerning what the Organization calls the "Armstrong Operation." This operation involved the use of Cross-Complainant's friend, Dan Sherman, to get close to Cross-Complainant, feed him false information, compromise him and frame him, with the goals of destroying his reputation, his ability to testify in Scientology litigation, his emotional and physical well-being, his economic base, his marriage and his life. This operation is referenced at page 2 of the February 17, 1982 "Gerry Armstrong Project," Exhibit A, under "Step 15."

22. All daily reports, weekly reports, battle plans, battle plan reports, statistic reports, private

investigator reports on a daily basis from at least 1982 to the present, CSW's, mission orders, projects, programs, evals, targets, estimates, compliance reports, progress reports, orders, nudges, debugs, requests for funds, budgets (FP's), accounting reports, cross file sheets, excerption sheets, computer data and files, briefings, drillings, debriefings, audio and video recordings, wiretape recordings, photographs and any other documents relating to the forgery and attempted cashing of a $2,000,000 check on the Bank of New England account of L. Ron Hubbard in 1982, and the operation to frame Michael Flynn and Cross-Complainant with the alleged crime.

23. All correspondence, orders, reports, statements, documents, photographs, or materials relating to the "Freedom" tabloid issue 61, published in August, 1984, a reduced copy of which is attached as Exhibit E.

24. All correspondence, orders, reports, statements, documents, photographs or materials relating to the article entitled "Ex-U.S. Attorney's Role in Check Forgery Surfaces in Boston Court" in the "Freedom" tabloid issue 62, published in October, 1984, a reduced copy of which is attached hereto as Exhibit F.

EXHIBIT U PAGE 33

25. All correspondence, orders, reports, statements, photographs, documents or materials relating to the "Freedom" tabloid published in April/May, 1985, a reduced copy of which is attached hereto as Exhibit G.

26. All correspondence, orders, reports, statements, photographs, documents or materials relating to

the "Freedom" tabloid published in May, 1985, a reduced copy of which is attached hereto as Exhibit H.

27. All correspondence, orders, reports, statements, documents or materials relating to the "advertisement" attached hereto as Exhibit I which appeared in "The Oregonian" newspaper of May 30, 1985, in Portland, Oregon, particularly with regard to the statement:

> "Another one of Christofferson's key witnesses, Gerry Armstrong, a government informant, was indisputably shown to have engaged in an operation to infiltrate the Church of Scientology. Armstrong's plot, based on evidence submitted in court, appears to have been conceived with the advice and consent of Flynn and members of the IRS Intelligence Branch. It indicated the planting of forged documents in the church which could then be "discovered" by government agents in planned raids on church premises. The forged documents would incriminate the church in nonexistent illegal activities and would serve as a basis for the indictment of current church

management."

28. All correspondence, orders, reports, statements, documents or materials relating to Cross-Defendant's radio show "Freedom Magazine" on station WTTP in Boston on June 11, 1985, a transcript of which is attached hereto as Exhibit J.

29. All correspondence, orders, reports, statements, documents, payments, receipts or cancelled checks sent to or received from L. Fletcher Prouty relating to Cross-Complainant.

30. All edited versions of the videotapes which had originally been made of Cross-Complainant in November, 1984. Attached hereto as Exhibit K is a flyer distributed to Scientologists in April and May, 1985 directing them to a showing of an edited version of the tapes.

31. All correspondence, orders, reports, statements, documents or materials relating to the editing of the videotapes, including the editing which occurred prior to the Christofferson trial, as well as the audio sections edited out of the videotapes.

32. All correspondence, orders, reports, statements, documents or materials relating to the delivering/sending of edited versions of the videotapes to any members of the media.

EXHIBIT 6 PAGE 35

33. All correspondence, orders, reports, statements, documents or materials relating to Cross-Complainant sent to any media including newspapers,

television and radio stations.

34. All correspondence, orders, reports, statements, documents or materials, relating to the showing of the videotapes or edited versions thereof to staff or public Scientologists, including any briefings given, requests for "donations" or funds, any projects, programs or evals related to this operation and any financial records of said operation.

35. All correspondence, orders, reports, statements, documents or materials relating to the photographing of Cross-Complainant's residence in Boston, Massachusetts on October 7, 1985, including all photographs taken.

36. All correspondence, orders, reports, statements, documents or materials relating to the mugging and robbery of Cross-Complainant outside his residence in Boston on October 25, 1985.

37. All correspondence, reports, statements, documents or materials regarding an incident which occurred on October 13, 1985, when a Scientologist reported to the FBI that Cross-Complainant was posing as an FBI agent near the Massachusetts Bay Transportation Authority Green Line Auditorium Stop in Boston.

38. All correspondence, reports, statements, documents or materials concerning the operation to bring false criminal charges against Cross-Complainant via the FBI as described in Request No. 37 above.

EXHIBIT 6 PAGE 36

39. All correspondence, orders, reports,

statements, documents or materials relating to the "Freedom" tabloid published in February, 1986, a reduced copy of which is attached hereto as Exhibit L.

40. All correspondence, orders, reports, statements, documents or materials relating to the operation to have several hundred copies of the "Freedom" tabloid (Exhibit L) planted in the building where Cross-Complainant works on February 11, 1986, during his deposition in the case of Burden v. Church of Scientology.

41. All correspondence, orders, mission orders, reports, telexes, statements, documents or materials relating to an operation or mission in February and March, 1986 involving organization agent, Meryl Dubay, the purpose of which was to "Black PR" Cross-Complainant among plaintiffs and witnesses in various cases against the Organization.

42. All correspondence, orders, reports, statements, documents or materials relating to the photographing of Cross-Complainant's residence on March 21, 1986.

43. All correspondence, orders, reports, statements, documents or materials regarding Cross-Complainant delivered to the Internal Revenue Service in 1985 and 1986.

3:27:15

JOHN G. PETERSON
PETERSON AND BRYNAN
8530 Wilshire Boulevard, Suite 407
Beverly Hills, California 90211
(213) 659-9965

Attorneys for Plaintiff and Cross-Defendant
CHURCH OF SCIENTOLOGY OF CALIFORNIA

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

CHURCH OF SCIENTOLOGY OF CALIFORNIA, a California Corporation, Plaintiff, v. GERALD ARMSTRONG, et al., Defendants.	Case No. C 420 153
AND RELATED CROSS-ACTION.	CROSS-DEFENDANT CHURCH OF SCIENTOLOGY OF CALIFORNIA'S RESPONSE TO CROSS-COMPLAINANT GERALD ARMSTRONG'S REQUEST FOR PRODUCTION OF DOCUMENTS

Cross-Defendant Church of Scientology of California responds to Cross-Complainant's Request for Production of Documents as follows:

1. Without waiving any objections, Cross-Defendant responds that, to the extent said documents pertaining to Cross-Complainant exist, they have already been produced.

2. Cross-Defendant will produce the documents in its possession, custody or control.

3. Cross-Defendant has no such documents in its possession, custody or control.

EXHIBIT 6 PAGE 38

4. Without waiving any objections, Cross-Defendant

165

responds that it has no such documents in its possession, custody or control.

5. Without waiving any objections, Cross-Defendant responds that to the extent that any documents exist within this category, said documents have already been produced.

6. Cross-Defendant has no such documents in its possession, custody or control.

7. Without waiving any objections, Cross-Defendant responds that to the extent that any documents exist within this category, said documents have already been produced.

8. Cross-Defendant has no documents which show any alleged assault of Cross-Complainant, running into him, or any attempts to involve Cross-Complainant and Joyce Armstrong in freeway accidents or any type of harassment. Correspondence and reports to and from private investigators are privileged as attorney work product.

9. Cross-Defendant has no such documents in its possession, custody or control.

10. Cross-Defendant has no such documents in its possession, custody or control.

11. Cross-Defendant denies that Cross-Complainant was harassed in London in June 1984. Cross-Defendant is aware that Cross-Complainant was legitimately served with a valid order by the California Court of Appeal, and will produce documents in our possession, custody or control.

12. Cross-Defendant has no such documents in its possession, custody or control.

13. Without waiving any objections, no such orders,

reports or correspondence exist regarding Cross-Complainant. As to documents, any that fall within this Request for Production which pertain to Cross-Complainant either have already been produced or are equally available to Cross-Complainant.

14. Cross-Defendant is searching its files and will produce any of the requested documents in its possession, custody or control.

15. Cross-Defendant has no knowledge of any burglary of Cross-Complainant's trunk. Hence, Cross-Defendant has no such documents in its possession, custody or control.

16. Cross-Defendant has no such documents in its possession, custody or control.

17. Cross-Defendant has no such documents in its possession, custody or control.

18. Without waiving any objections, Cross-Defendant denies that it has ever obtained any "false authorizations" with respect to any alleged wiretapping of either Cross-Complainant or Michael Flynn. No documents exist.

19. Cross-Defendant has no such documents in its possession, custody or control.

20. Cross-Defendant has no such documents in its possession, custody or control.

21. "Armstrong Operation" is a characterization invented by Cross-Complainant as no such "operation" has ever existed. Cross-Defendant has no such documents in its possession, custody or control.

22. Cross-Defendant has no such documents in its

possession, custody or control. There is no such thing as an operation to frame Flynn and Armstrong regarding the $2,000,000 check. Object to production of documents regarding check as not leading to discovery of admissible evidence relevant to this case.

23. Cross-Defendant objects on the grounds that this Request is vague, ambiguous, overbroad, burdensome and harassive. The documents requested herein are irrelevant to any cause of action in the cross-complaint and are not calculated to lead to the discovery of any evidence admissible in this action.

24. Cross-Defendant incorporates by reference as if fully set forth herein its response to Request for Production No. 23.

25. This Request for Production seeks documents which, in part, are irrelevant to any cause of action in the cross-complaint and are not calculated to lead to the discovery of any evidence admissible in this action. Any documents which are calculated to lead to the discovery of admissible evidence and which do exist have already been produced to Cross-Complainant.

26. See response to Request #25.

27. Any such documents which exist have already been produced to Cross-Complainant.

28. Any such documents which exist have already been produced to Cross-Complainant.

EXHIBIT 6 PAGE 41

29. Cross-Defendant has no such correspondence, orders, reports, statements, payments, reports or cancelled checks in its possession, custody or control. Cross-Defendant possesses

a declaration of L. Fletcher Prouty which will be produced.

30. Cross-Defendant will produce the requested videotape in its possession, custody or control.

31. Cross-Defendant is informed and believes that Cross-Complainant already has complete copies of the videotapes requested herein. No other documents exist. Nothing, either audio or visual, was edited from said videotapes. There are no correspondence, orders, reports, statements, documents or materials relating to an editing prior to Christofferson.

32. Cross-Defendant has no such documents in its possession, custody or control.

33. Cross-Defendant cannot locate any specific items that have been sent to the media, however, a continued search is being made to ascertain if items sent to media on other subjects contained information regarding Cross-Complainant. Cross-Defendant will supplement this response if any are located.

34. Cross-Defendant has no such documents in its possession, custody or control.

35. Cross-Defendant has no such documents in its possession, custody or control.

36. Cross-Defendant has no such documents in its possession, custody or control.

37. Cross-Defendant will produce all documents and materials in our possession except memo to files dated 10-21-85, 11-19-85 and 11-20-85, from attorney Roger Geller which is privileged as attorney work product.

Cross-Defendant has no such documents in its possession, custody or control.

39. This Request for Production seeks documents which are irrelevant to any cause of action in the cross-complaint and is not calculated to lead to the discovery of any evidence admissible in this action.

40. Cross-Defendant has no such documents in its possession, custody or control.

41. Without waiving any objections, Cross-Defendant denies that any "operation or mission" to "'Black PR' Cross-Complainant" ever existed. Cross-Defendant has no such documents in its possession, custody or control.

42. Cross-Defendant has no such documents in its possession, custody or control.

43. Cross-Defendant has no such documents in its possession, custody or control.

DATED: September 2, 1986 PETERSON & BRYNAN

BY: John G. Peterson
JOHN G. PETERSON

EXHIBIT 6 PAGE 43

VERIFICATION

STATE OF CALIFORNIA, COUNTY OF

I have read the foregoing CROSS-DEFENDANT CHURCH OF SCIENTOLOGY OF CALIFORNIA'S RESPONSE TO CROSS-COMPLAINANT GERALD ARMSTRONG'S REQUEST FOR PRODUCTION OF DOCUMENTS and know its contents.

☒ CHECK APPLICABLE PARAGRAPH

☐ I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

☒ I am ☐ an Officer ☐ a partner ______ ☐ a DIRECTOR of DEFENDANT CHURCH OF SCIENTOLOGY OF CALIFORNIA

a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. ☐ I am informed and believe and on that ground allege that the matters stated in the foregoing document are true. ☒ The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

☐ I am one of the attorneys for ______

a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on September 2, 1986, at Los Angeles, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Lynn Farny
Type or Print Name

Signature

ACKNOWLEDGMENT OF RECEIPT OF DOCUMENT

(other than summons and complaint)

Received copy of document described as ______

on ______ 19__

______
Type or Print Name

______
Signature

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF

I am employed in the county of Los Angeles, State of California.

I am over the age of 18 and not a party to the within action; my business address is: 8530 Wilshire Blvd. Suite 407, Beverly Hills, California 90211

On September 2, 1986, I served the foregoing document described as CROSS-DEFENDANT CHURCH OF SCIENTOLOGY OF CALIFORNIA'S RESPONSE TO CROSS-COMPLAINANT GERALD ARMSTRONG'S REQUEST FOR PRODUCTION OF DOCUMENTS on ALL PARTIES

in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Julia Dragojevic
Contos & Bunch
5855 Topanga Canyon Blvd.
Suite 440
Woodland Hills, California 91367

EXHIBIT 18 PAGE 44

☒ (BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at Los Angeles, California.

Executed on September 2, 1986, at Los Angeles, California.

☐ (BY PERSONAL SERVICE) I caused such envelope to be delivered by hand to the offices of the addressee.

Executed on ______ 19__ at ______, California.

☒ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

78

(165)

cc: PES USGO
cc: DG I US
cc: Org P&E Info US

PAC Mgmt Chief US
cc: AG GLA

DAILY REPORT

AG I GLA

22 Feb 82

Dear Roberta,

RE: GERRY ARMSTRONG

Today we telexed SU via DG I US to get Gerry's birthday and social security number from his payroll records. That will enable us to check other areas in the wog world to see if he can be located.

We also verified that his wife's parents were last known to be living in Phoenix. That means that with his parents in Vancouver and hers in Phoenix, that will make it harder to verify our theory that they would be staying with one of their parents' houses.

Also today, Debbie liased with DG I US to see how we can check with OVG to see if he knows anything about Gerry's whereabouts.

It has become obvious to us that there is a lot of omitted data on Gerry - that even though SU and Flag have sent us all their files on him, there still seems to be a lot missing. So tomorrow we will go through all his files to look for indicators as to where more files might be, and also to see who might be able to give us any information about him or any misdeeds he may have committed while on staff.

That's all. This is OK.

ML,

Brad

EXHIBIT 6 PAGE 15

172

(68)

cc: PES US
cc: DG I US
cc: Org P&E Info US

PAC Mgmt Chief US
cc: AG GLA

DAILY REPORT

AG I GLA

24 Feb 82

Dear Roberta,

RE: GERRY ARMSTRONG

The only thing to report is that nothing much occurred on this today. I needed to contact Peeter A. today to see what places he had already checked for the Armstrongs' folders so we wouldn't be covering the same ground, but I found out that Peeter was gone all afternoon to the INS.

The only other thing we could do at this point requires our getting from Flag - the data we requested by telex yesterday.

That's it for now.

ML,

Brad

EXHIBIT 2 PAGE 1-112

171

74

PAC Mgmt Chief US
cc: AG GLA

cc: PES US
cc: DGI US
cc: Org P&E Info US

CONFIDENTIAL

Br 10B Dir for
AGI GLA

26 Feb. 1982

DAILY REPORT

Re: Gerry Armstrong

Dear Roberta,

I have some recent data as to where GA may be. I sent a compliance report yesterday listing the possibilities. The data I got today fills in some of the gaps. One idea was that GA went to Canada to stay with his mother as he called in Dec. from a phone in Vancover. According to his good friend at SMI, Marilyn Brewer ext.#120, the Armstrong's were in Canada for Xmas as she spoke to them during that time. In Jan. they were back in LA. and when they called Marilyn they mentioned that they planned to settle in LA. They said they were living about an hour from the complex. Marilyn has been on mission recently and hasn't heard from the Armstongs since the beginning of Jan. She suggested asking Holly Carlson, the C/O of FLB who is Joyce Armstrong's sister as she might know where they are.
I also am trying to reach Karen Campbell the o/o at SMI ext. 722 as I heard today that she said Joyce told her that she would soon be going to Arizona. Joyce's parents live in Tempe Arizona only a block from the Mesa Mission. Joyce once gave her parents phone number to the Mesa Mission as she wanted them to try and get her parents back in Scientology (her parents are blown Scientologists). Tempe is near Phoenix which is where Scott Brown, Joyce's brother has his squirrel group and with whom GA was going to write a book. I also spoke to the DG SMI as he knew the ARmstrongs. In early Jan., Joyce Armstrong set up a dinner with Marilyn and Ed Brewer and the DG SMI. They all went as they didn't know the Armstrongs were blown. They heard about it later. The DG hasn't heard from them since and doesn't know where they are.
So, the next step is to pull the strings that turned up today. Verify if they are in Arizona, find out how recently Joyce told Karen Campbell she was going there; and also to contact Joyce's sister, Holly to see if she knows where they are.

Love,

Debbie

EXHIBIT 6 PAGE 47

174

173

73

PAC Mgmt Chief US
cc: AG GLA

cc: PES US
cc; DGI US
cc: Org P&E Info US

Br IOB Dir for
AGI GLA

CONFIDENTIAL

1982

DAILY REPORT

Re: Gerry Armstrong

Dear Roberta,

Our next action to locate GA is to get the financing to send some one to Phoenix and to Vancover to check if GA is there. Those two places are the two possibilities. Brad is working on arranging the financing for this.

Love,

Debbie

EXHIBIT 6 PAGE 48

175

6299
70

174

cc: PE_ US
cc: DGI US
cc: Org P&E Info US

PAC Mgmt CHIEF US
cc: AG GLA

Br 10B Dir for
AGI GLA

CONFIDENTIAL

March 4, 1982

DAILY REPORT

Re: Gerry Armstrong

Dear Roberta,

We are still waiting for the money to send a person to Phoenix. And also for the back GA folders from SU so we can get his birthdate for a check with the DMV for a current address. We need these in order to pursue any, of our leads about locating him.

Love, Debbie

Gerald David Armstrong
18/10/40
Canadian

175

cc: PES US
cc: DGI US
cc: Org P&E Info US

PAC Mgmt Chief US
cc: AG GLA

Br 10B Dir for
AGI GLA

CONFIDENTIAL

March 5, 1982

DAILY REPORT

Re: Gerry Armstrong

Dear Roberta,

We got GA's birthdate from a FLAG Crew List that was made for INS. It listed the staff's names and birthdates so we got his birthdate from there. This speeded up the DMV cycle as we had previously been waiting for his back PC files from SU which have not arrived yet. But with GA's birthdate I was able to send in to the DMV today to see what PT address they have for GA. So that is progress. We are still planning to send someone to Phoenix and Vancover, when the money comes through.

Love, Debbie

177

67

cc: PES US
cc: DGI US
cc: Org P&E Info US

(176)

PAC Mgmt Chief US
cc: AG GLA

BR 10B Dir for
AGI GLA

CONFIDENTIAL

March 8, 1982

DAILY REPORT

Re: Gerry Armstrong

Dear Roberta,

We heard that GA was very recently seen at OVG's so that is currently the first place we are going to look. This week we will be doing surveillance to determine if he is staying there. Today I compliled a very complete physical description of him so we can proceed with the surveillance and whomever we send will be able to recognize him.

Love, Debbie

EXHIBIT 10 PAGE 51

178

65

PAC Mgmt Chief US
cc: AG GLA

171

cc: PES US
cc: DGI US
cc: Org P&E Info US

CONFIDENTIAL

Br 10B Dir for
AGI GLA

March 10, 1982

DAILY REPORT

Re: Gerry Armstrong

Dear Roberta,

This is the report for March 9th. Yesterday was very busy with no minutes to spare so this daily report is being done this morning. There is progress on this cycle however. Yesterday Brad briefed the person who is to do the surveillance and today he is actually doing it. So we should soon know if GA is really at GVG's. I'll report later today what has turned up so far on this.

Love, Debbie

EXHIBIT 1 & PAGE 52

179

64

(179)

cc: PES
cc: DGI US
cc: Org P&E Info US

PAC MGMT CHIEF
cc: AG GLA

BR10B Dir for
AGI GLA

CONFIDENTIAL

March 10, 1982

DAILY REPORT

Re: Gerry Armstrong

Dear Roberta,

We have a surveillance going today on OVG's place to see if GA is there. We have not heard yet as of this minute. We could get a call at any time with some news and will let you know right away if something is learned.

Love, Debbie

EXHIBIT U PAGE 53

63

PAC MGMT CHIEF
cc: AG GLA

(180)

cc: PE US
cc: DGI US
cc: Org P&E Info US

BR 10B Dir for
AGI GLA

CONFIDENTIAL

March 11, 1982

DAILY REPORT

Re: Gerry Armstrong

Dear Roberta,

We have a stakeout going on at GVG's to determine if GA is there. So far he hasn't been seen but we are continuing the stakeout. I will let you know as soon as he is seen, if he is.

Love, Debbie

EXHIBIT 6 PAGE 54

181

(187)

cc: PES US
cc: DGI US
cc: Org P&E Info US

62

PAC MGMT CHIEF US
cc: AG GLA

CONFIDENTIAL

BR 10B Dir for
AGI GLA

March 12, 1982

DAILY REPORT

Re: Gerry Armstrong

Dear Roberta,

The stakeout continued today but still nobody is at the apartment and no cars in the appropriate carport. We will continue. GA may show up soon.

Love, Debbie

EXHIBIT 10 PAGE 55

182

cc: PES [illegible]
cc: DGI US
cc: Org P&E Info US

Gl

PAC MGMT CHIEF
cc: AG GLA

CONFIDENTIAL

BR 10B Dir for
AGI GLA

March 15, 1982

DAILY REPORT Re: Gerry Armstrong

Dear Roberta,

As I have been reporting, there hasn't been anyone home at all at OVG's house (apt.) so it appears they are temporarily out of town. We are going to pick the stakeout back up on Wed. or so, it will be better to use our resources when it is likely to pay off than to continue now when no one at all is at OVGs. By Wed or so maybe they will be back, so we will resume the stakeout in a couple of days.

Love, Debbie

EXHIBIT 18 PAGE 516

59

cc: PES US
cc: DGI US
cc: Org P&E Info US

PAC MGMT CHIEF US
cc: AG . GLA

CONFIDENTIAL

(183)

BR 10B DIR GLA
for AGI GLA

DAILY REPORT

March 16, 1982

Re Gerry Armstrong

Dear Roberta,

The data is the same, that we are going to resume the stakeout in the next day or so. We hope someone will be back at OVG's by then. As you know not even OVG has been there in the past week. The apt is unoccupied.

Love, Debbie

P.S. I just got word we got a lead on where GA may be. A cas called Brad saying he had a address for GA. It is *just* a lead — we don't know that this will be the current address or not but it *could* be

EXHIBIT 6 PAGE 57

184

6308

60

(188)

cc: PES US
cc: DGI US
cc: Org P&E Info US

PAC MGMT CHIEF US
cc: AG GLA

BR 10B DIR GLA FOR
AGI GLA

CONFIDENTIAL

March 17, 1982

DAILY REPORT

Re: Gerry Armstrong

Dear Roberta,

There is no new data on this. We are going to start the stakeout again soon.

Love, Debbie

EXHIBIT 10 PAGE 58

189

cc: PES US
cc: DGI US
cc: Org P&E Info US

58

PAC MGMT CHIEF
cc: AG GLA

CONFIDENTIAL

BR 10B DIR GLA
for AGI GLA

March 18, 1982

DAILY REPORT

RE:Gerry Armstrong and Alan Walter

Dear Roberta,

There is not anything new about these guys today. We are still following up the lead on GA that a GAS of ours may know where he is. Nothing new on ACW.

Love, Debbie

EXHIBIT U PAGE 59

186

U.S. GUARDIAN'S OFFICE PROGRAMME ORDER

ED INT
SPEC PJT I/C
A/C
CAI
CAL
CAPR
G WW
DG I WW
DG L WW
DG PR WW
MAN DIR WW
DG US
PES US
AVU US
DG SR US
DG SR INT OPS US
AVU US
DG I US
DG PR US
DG L US
MAC I/C
MAC #1,2,3,4
ACTION AIDE
CONVENTION I/C
D/PES US
MAN DIR
NEWS BI OPS OFF
UTIL/PROS DIR BI US

13 September 81

The "Juggernaut" Eval

CONFIDENTIAL

DG I US
for
DG US
Authorized and Verified
by AVU US
for the
Board of Directors
of the
Church of Scientology
of California

Exhibit "A"

#4
12-9-83

187

EXHIBIT 6 PAGE 60

THE "JUGGERNAUT" EVAL

POLICY: HCO PL 21 Nov 72 HOW TO HANDLE BLACK PROPAGANDA

ONLY COUNTER-ATTACK HANDLES...

So it takes time and work to reverse an attack because normal channels have to be reopened and reversed.

It is done by attacks.

But attacks which are not true earn suits. So one must attack only on proven ground.

This requires a lot of hard search.

However, a Black Propagandist often has many other enemies. These have sometimes gathered data.

The principles are that when the sub-terminals are located, they are investigated and counter-attacked. Then further investigation reveals closer terminals to the propagandist and these are attacked. In short, one investigates and attacks.

SENIOR ADVICE.

Any personnel involved in the Class Action suit become parties to the 750 million suit as well as being sued on this other action.

By this is meant you put a counter suit to the Class Action suit in the same court.

CBO 630 13 Jan 80

STRATEGIC PLANNING: The correct definition is STRATEGIC PLANNING IS SOME KIND OF AN OVERALL SCENE WHICH SERVES TO CHANNEL OR ALIGN OR COORDINATE OTHER PLANS. THAT'S ALMOST THE HEADING OF COMMAND INTENTION.

TACTICAL PLANNING: The correct definition is WHAT YOU ARE DOING TO IMPLEMENT THIS PORTION OF YOUR STRATEGIC PLANNING

GOODRICH EVAL 6 June 73

Policy: Evaluate situations before planning actions and handling.

Investigate and thoroughly prepare all legal actions before acting.

Thoroughly prepare legal actions; wins are proportional to preparations...

IDEAL SCENE: GO US calm, confident and effective in all Bus.

GO 784 INTELLIGENCE, ITS ROLE

An Intelligence Unit that imperfectly understands its function will omit to do a proper ESTIMATE but will feed raw or fragmentary data to planning, command and policy makers and will cause them to be alarmed or overly confident and in any event will cause them to make mistakes or even fail...

EXHIBIT 6 PAGE 61

One can then collect, in numerous ways, many peculiar to the craft, the exact data needed to form a CONCLUSION that there is or is not a situation. And either way, one can then make a PREDICTION, backed up with the RAW DATA and its summary into a SITUATION or a NO-SITUATION which will be of great positive value to planners, command and policy-makers.

INTELLIGENCE FURNISHES MUCH OF THE DATA ON WHICH EVALUATION IS BASED, AND INTELLIGENCE SHOULD FURNISH THE SITUATIONS, THE PREDICTIONS, WHICH TELL WHETHER AN EVALUATION SHOULD OR SHOULD NOT BE DONE!

GO 032872 INTELL PRINCIPLES

But there is a shorter route: If you hold the line aggressively to win with Legal and PP AND GET INTELLIGENCE FUNCTIONING EFFECTIVELY AT ONCE you can greatly shorten the time it takes to get back on top.

Each of these three zones have their own tech and their OWN PRODUCTS. They are different Products.

Thus if you short circuit Intelligence just as a support of PP or Legal, the battles will be very dicey indeed.

NEWNESS

Intelligence exposed is no longer under cover or clandestine.

PP most frequently exposes Intelligence. Legal has often done so.

Thus Intelligence always requires newness of approach. It is standard in its lines and actions. But must be bright and new in its ideas to carry something off.

BACK-UP

PP is a back-up, not an exposure of Intelligence.

A typical Intelligence action is to turn over some exact data to PP to "get known" that will then push forward an Intelligence objective. Or to squash an enemy release.

INFORMATION

Whoever regards Intelligence solely as "Information Gathering" has not moved with the times.

The Japanese disturbed all this with the Intelligence creation of "incidents" then exploited by PP.

The Russians use this (from the Japs) continually.

The "incident" brought about behind the scenes is then pitilessly exploited by PP.

To reverse this PP then Intelligence, is out of sequence.

With knowledge, incident and technique, Intelligence properly causes first in any sequence of events.

SITUATION:

After months of successful intelligence prediction and actions surrounding Flynn, we now have no lines in on him and he is able to launch successful and unpredicted actions on us.

STATS:

Months of BI actions to provide prediction and a "turned" (from Flynn's camp) disaffected (Silvana) back-fired and stalled by uncoordinated releases of info to the press in LV (which she then PAed) and unevaluated BI/Legal missions "to get the full data" from her which scared her atty off from coming forth with the data.

2 weeks of good entheta on Flynn and the CK conspirators based on the proper exposure of their violations of the Sunshine Law.

Now, financial threat to the C of S looming in CK with Flynn moving forward in this arena with an anti - C of S tax plan which is flanked by local media conspirators.

Four weeks of little prediction and lessened obs activity with BI staff in Bsn and US tied up with Legal flanking actions.

An additional vector of attack on Flynn (Catherine Taraba) being wasted by untimely notification of her that the C of S was interested in her complaint (she hates the C of S more than she hates Flynn) and this is now slowed.

Comprehensive strategy based on senior advises stalled and incomplete while the opposition is reversing the vector.

DATA: The turning of Silvana Garritano to want to get out of the LVS class action suit was the result of a good BI op. When she started to surface this was reported all the way up the lines with much enthusiasm. A plan to get her before the Judge in the LVS suit and get the data on record was formulated and a mission fired to do this. It immediately bugged on the fact that Flynn was still the atty of record and she would have to get a new atty - this obvious fact was not though through before the mission fired. What resulted was that Silvana's new atty AND OURS promptly departed from the scene leaving no resources there to actually handle getting her on record.

CORRECT TARGET

BI BSN
NEUS BI OPS

OMITTED EVALUATION
PES
COMMAND

OMITTED ESTIMATE

DG I US
NEUS BI OPS

190

ALTERED SEQUENCE

PES
COMMAND

Another product that came up on the lines from RI Bsn was that Catherine Tarabe, the mother of Ed Tarabe had herself filed a bar complaint against Flynn with the Mass Board of Bar Overseers and the Supreme Judicial Court in Massachusetts. When this was found on RI lines in Bsn, actions had been started to get a Bar complaint filed on Flynn and this was seen as an additionaly resource. A2R missionaires had our atty and PP Bsn call Tarabe's atty in an attempt to get the data, but the net result of that was that Tarabe was uncooperative and actually turned out to hate the Church more than she hated Flynn and to date hasn't moved as a resource in this battle. The taking of her off of RI lines, in essence, wasted her as a resource.

OMITTED ESTIMATE

A2R MSNRS
RI BSN

ALTERED SEQUENCE

A2R MSNRS

ADDED TIME

A2R MSNRS

Reviewing these wasted products shows that in the case of Silvana, the original "glowing report" (faulty intelligence) on her had caused a flurry high on the org board with the OC and the importance of acting on that report to get her data overtly on the record was greatly intensified to the point that it seemed the only strategy at that time. When the Everflash mission went and found the scene completely different than was originally put forward in the isolated intell report (ie. Silvana had Flynn as her atty and wasn't that willing to go overt with her data), what the Everflash Msn I/C did was mock up a follow-up strategy with atty Harvey Sliverplate based on the data on the scene which included filing a Bar complaint, getting data to the Mass AG, both of which, by necessity, closed down the predictive "d" lins in Bsn as a necessary element to get some product out of the scene. Similarly, in the case of C. Tarabe there was an effort to get her data as it was proof of the fact that FAMCO and Flynn were one in the same and that there was overt evidence of this and a complaint from a 3rd Party. Factually, reviewing this, the release of the FAMCO data in the Bar complaint was slightly pre-mature as we still hadn't gotten evidence of his solicitation of this plan and this investigation is still ongoing though now harder to prove as Flynn is tipped off to the fact that we're on to it, making documentation much more difficult.

191

EXHIBIT 6 PAGE 64

OMITTED ESTIMATE

DG I US
NEWS BI OPS

OMITTED EVALUATION

PES
COMMAND

WRONG SOURCE

EVERFLASH MSN I/C
ATTY SILVERGLATE

ALTERED SEQUENCE

A2R MSNRS

Compare the above to the successful action in CK at this time where we did the expose of the Flynn payment of $4950 from the CK City Commission. In this action, BI got the data and then "PR found it out" noisily by looking at the books of the CK City Commission. This was run successfully in the press for 2 weeks without exposing intell.

EVENTS IN CORRECT SEQUENCE

DG I US
PES US
PR CK

CORRECT RELATIVE IMPORTANCE

DG I US
PES US
PR CK

Looking back over the successful actions that were occurring prior to the flubs in Boston we find that AG I Bsn is starting to look at who is behind Flynn (based on a special bank) and uncovers the fascinating similarity is found in the body of the original LVS complaint by Flynn and an article written by APA psych Dr. John Clark. As a result of this further investigation and obs were done on Clark. What is found were clandestine meetings of APAers and connections with the Rockefellars, etc. This shows that standard intell actions were proceeding (in early August 81).

CORRECT TARGET

BI BSN
NEWS BI OPS
DG I US

EVENTS IN CORRECT SEQUENCE

BI BSN
NEWS BI OPS
DG I US

192

CORRECT RELATIVE IMPORTANCE

B1 Rsn
NEWS B1 OPS
DG I US

Then what occurs is shortly thereafter, we find B1 Rsn and B1 US in a complete flurry, ferrying docs backwards and forwards between LA and Rsn in an effort to satisfy a demand from Legal for documentation that could be used against Flynn. This demand came from the Legal Flynn Handling Program, issued 24 July 81 which was to get the documents analyzed for potential use in IP 2, specifically looking for the governmental connections. Note: This program also had targetting to get FAMCO exposed; however, the means for doing this were going to be through specific discovery actions in the LVS Class Action suit - the program targets for this discovery were never done.

ALTERED IMPORTANCE

B1 RSN
NEWS. B1 OPS
DG I US

CORRECT RELATIVE IMPORTANCE

LEGAL US

OMITTED COMPLIANCE

LEGAL US

Looking into this non-compliance and what was occurring with this Flynn handling program we find that it was revised on 20 August 81. This revision basically revolved around the fact that the Bar complaint filed on Flynn would be the entire resolution of him and that with this he would be off the cases around the country. This program, however, failed to mention that there would be some time prior to this involved even after the complaint was filed (20 days in which Flynn had to answer the complaint). This program basically dropped everything to the point of the irreducible minimum of actions (from the senior strategy on damages) and had the bar complaint handling everything. Additionally within the program there were handling targets on the Reader's Digest , etc. The programme was done by DG L US and PES US.

OMITTED STRATEGY

DG L US
PES US

ALTERED IMPORTANCE

DG L US
PES US

193

ADDED INAPPLICABLE DATA

PES US
DG L US

Looking into how the strategy had dropped to the irreducible minimum revolving around the Bar complaint what comes to light is the actions of the Everflash Mission. What occurred on this mission was that the original MUs didn't match the existing scene and instead of recalling the mission, the mission ops kept on pushing for the same product on Silvana. What the Everflash Mission I/C did as a solution to this was to drop his missionaire hat and put on his CAL hat in the field and starts mocking up and implementing new strategy"to get Flynn". This is based soley on his inability to get his original MUs done. To do this he requests a "strategy" solution from the atty which includes the Bar complaint and the Mass AG filing, etc. Once this decision was made and OKed by Everflash Msn I/C, the atty who had originated this plan went on leave for 2 weeks and turned over his hat to his partner (Gartner) who was ill-briefed by Silverglate. Gertner went ahead with the preparations on the Bar complaint, but procrastinated on its filing as she wanted Silverglate's review of it and based on the fact that her intelligence perception was that Judge Garrity was going to come down with a good 1st Amendment ruling shortly in the LVS suit. What occurred at US level was that once the data was on hand that Flynn would be completely handled with the Bar complaint (faulty with added time), all executive attention went on the filing of the Bar complaint and the possibility that Garrity would rule (faulty). This has introverted PI, PR, Legal and Command into an area they cannot directly effect and forces them into a time frame dictated by the Bar and the court and has taken the attention off the rest of the strategy.

WRONG TARGET

EVRFLSH MSN OPS (PES)

OMITTED EVALUATION

EVERFLSH MSN OPS (PES)

ALTERED SEQUENCE

EVERFLSH MSN OPS (PES)
EVERFLSH MSN I/C (CAL)

WRONG SOURCE

EVERFLSH MSN I/C (CAL)
ATTY SILVERGLATE

OMITTED ATTY

EVERFLSH MSN I/C (CAL)
ATTY SILVERGLATE

194

FALSEHOOD

ATTY GERTNER

WRONG SOURCE

ATTY GERTNER

INCORRECTLY INCLUDED ABERRATED STABLE DATUM (BAR COMPLAINT)

COMMAND
BL US
PR US
LEGAL US
EVERFLSH MSN I/C
A2R MSN I/C
ATTY GERTNER
ATTY SILVERGLATE

MAJOR OUT-POINTS:

Omitteds followed by incorrectly included.

ADMIN WHY:

Previous on-source strat planning has been degraded down to the irreducible minimum "one shot solution" (Bar complaint on Flynn) which is itself based on faulty data that it would handle totally.

ETHICS WHY:

Negligence of duty.

WHO:

RES US

IDEAL SCENE: US GO calm, confident and effective in all Bureaux handling the damages scene and operating off of on-source strategy flanked by superb intelligence which enables the damages scene to be turned around.

HANDLING:

Resources: Brilliant senior advices that form the hub of OUR STRATEGY.

The tech of correction.

Mission tech.

An Action Bureau

Civil Rights atty and strategian Danny Sheehan, after clean up of our past mis-handlings of him.

The MAC Units.

A Management Bureau

BI Bsn.

195

EXHIBIT 6 PAGE 68

Artie Maren - a trained PR missionaire.

BI US CIC

Need: Considerable.

Capabilities: Excellent in terms of handling Flynn and damages conspirators based on good strategy, resources and plenty of ammo.

Bright Idea: Fully implement and action all aspects of our extant strategy and include in this a "Juggernaut" civil rights suit filed in the same court as the LVS suit which becomes the major vehicle to get complete restraint on Flynn.

Use Intell to find WHO is behind Flynn.

Use GO BLACK PR to handle Flynn as a Black Propagandist - survey to find out what he is (eg. extortionist) and never again refer to him as an atty only as a ________ - reclassify him.

Plan:

1. Fire a PR mission, fully briefed on all BI, Legal data to follow up on the criminal complaints we have made and which have not been actioned. The mission will go up the org board in each of the agencies if there is no cooperation. Additionally, the mission will pick out and get the message and details of the complaint to 2 new publics (eg. OLs and groups that would find the actions of Flynn/Cooper repugnant) and get these publics to bring pressure on the agencies if they don't act and flank them if they do. The mission will bring the local PR of the area with them and will SSR him/her to follow the whole thing through and expand upon it.

2. In the case of any governmental refusal to cooperate on the denials or where we know they are withholding, the mission alerts Legal US who then follows this up with FOI actions.

3. WAC gets atty Danny Sheehan back on the lines and cleaned up. Get him to attend the atty conference in LA next weekend and fully lay out the scene to him. Get Sheehan to coordinate with the other attys, get an understanding of the current scene and any of the Flynn docs and overt acts and get him to come up with the ideal legal solution and vehicle to Flynn and his conspiracy, especially in CA. We want restraint.

4. Support the WAC missions by cutting all Dev-T off their lines and get them flat out on handling all the Flynn legal cases and points of vulnerability. Evaluate all cases. Fully exploit all avenues available for restraint on Flynn and the other conspirators.

5. Get BI actions, investigations and obs on Flynn which take him out from a completely independent line.

6. Get a damages special bank done at BI US which finds out WHO is behind Flynn and follows this down for further action.

7. WAC to get Flynn prosecuted as a criminal using any

EXHIBIT 6 PAGE 69

any available resource (eg. Silvana, data from Thieves, him acting falsely as a governmental agent, etc) - don't rely on the bar complaint as the isolated handling.

8. Expand the restraint actions on Flynn to the other conspirators, especially Cooper and those in CK.

9. Follow through in all arenas to complete DONES!

10. Handle the WHOs of the eval with ethics.

PROGRAM:

0. Legal CIC, BI CIC and Mission Preps put together a briefing pack on all agencies and terminals the mission will be contacting, what has been done before, who the terminal is, what his buttons are, what BI data we have on them and the agency etc. This is compiled and the missionaires are briefed on these and take this data with them on the mission.

MSN PREPS
LEGAL US CIC
BI US CIC

00. Get successful missionaires selected for this mission. Possibly Artie Maren and Heber Jentz (from the Christo mission for this as we want maximum impact and them to be able to turn over their actions and hat the area AG PRs.

DG US

1. In liaison, Action Aide and DG PR US write a set of Action MOs to handle the inactivity on the criminal complaints and governmental denials and get the products of a) active investigations on conspirators and b) governmental responses or no responses that can be used. These MOs must include the following elements (if 2 missions needed then do 2):

   a) Contact with the following in criminal complaints:

      - Mass AG to push the Boston Flynn criminal complaint
      - Justice Department in DC on the Cooper criminal complaint
      - Justice Department in DC on the Christo criminal complaint
      - AUSA in Portland on the Christo criminal complaint
      - Justice Department in DC for criminal complaint on Heatherton and Cicero
      IRS in DC on Cohen.

   b) Contact with the following on governmental denials:

      - IRS
      - FBI
      - Atty Gen or Governor in Florida in re Russell's actions
      - DOJ
      - Mass AG
      - Atty Gen - Portland

   c) The obtaining of action on the above in a) and b) or by-passing up the org board til you get satisfaction. (Notify Legal to file FOI requests in such areas of resistance.)

d) The isolation of 2 other new publics in each area (above) to whom the issue is taken and who will be outraged with it and do something about it (ie. Make an event out of it - eg. take the Cooper videos and tapes to the Baptists in CW and the Moral Majority in DC, take the Flynn deprogramming complaint to the ethics professors at Harvard and have them make a statement, utilize appropriate OLs who would be outraged by this and get them to go to the media and use their lines and try the issue in the press if the criminal investigatory agencies don't act and flank them appropriately if they do.)

e) Dove-tail these MOs with the CW Turnaround MOs.

f) Pattern the MOs off of the successful MOs that were done to flank the Christo appeal, possibly using the same personnel and others.

g) Have the missionaires take the area AG PRs with them and SS8 them on their actions and leave them with a set of actions to get done to discover new PUBLICS and OLs when the mission leaves and arrange that it is a continuing action and new publics are being reached with OUR message, while the investigatory bodies have the heat put on them and are being flanked by public support.

ACTION AIDE
DG PR US

2. Get additional criminal complaints and new publics reached on these issues in other GOs around the country.

DG PR US

3. Keep a tight info line in with MAC I/C, DG PR US, DG I US, DG L US, PES US and DG US for anything that comes up from the mission(s) outlined in #1 above so that actions can be followed up on at a US level and Flynn can be tried as impersonating a government official along with his cronies or IP II can be beefed up with the evidence of governmental involvement.

MSN OPS

4. Get FOI requests filed in all governmental agencies where we suspect governmental involvement with these civil conspirators and get this to MAC I/C for inclusion in the IP II suit.

DG L US

5. Exploit in the proper formumand vehicle all findings and evidences from the mission(s) and from other sources, (eg. results of FOI requests, criminal actions on Flynn impersonating a government agent, IP II expansion, etc.).

MAC I/C

6. KEEP CALM - MAC! Evaluate all major cases, police Dev-t, complete cycles of actions and get wins.

MAC I/C
Dir I & R

EXHIBIT 6 PAGE 71

7. Exploit all weak Flynn-related cases via discovery actions, tie him up and get him major losses on the record (ie. in Thieves, Stiffler, Baptista, Smith, Maschel, etc.).

MAC I/C 198

8. Explore and activate all possibilities for restraint on Flynn and his co-conspirators (Logan, Russell, et al) using any legal vehicle. (The idea being to get simultaneous restraint on him from all possible quarters.)

MAC I/C

9. Get Danny Sheehan invited to and closed on coming to the atty briefing next weekend (coming a day ahead of time - use Artie Maren as a resource as needed but get him out here).

MAC I/C
CONVENTION I/C

10. Clean him up when he arrives on any broken agreements, financial betrayals, BPC, etc. Brief him separately on the current scene (using Artie if available) and hire him as our civil rights counter-suit expert. KEEP ALL AGREEMENTS WITH HIM and make a working arrangement with him exactly per the senior advices.

MAC I/C
MAC #3

11. Using the convention, the data on Flynn's conspiracy and the documents, the overt acts committed in Clearwater in furtherance of that conspiracy and the feedback from the other attys (ie. IP II attys, Silverglate, etc) give Sheehan the problem that we want to have solved which is full restraint on Flynn and his co-conspirators (especially Logan, Bunch, Russell, Cazares, etc) which takes the form of a counter-suit filed in the same court as the LVS suit and gets its product.

MAC I/C

12. NOTE - VITAL: Should this additional suit be a burden, get another MAC unit set up solely for this action with a new, hatted resource there so there is no further burden on the MAC lines, but run this as a priority.

MAC I/C

13. Get this counter-suit thoroughly prepared, completely documented, brutally reviewed and impeccably filed. Use it for maximum restraint on Flynn and the conspirators. (Should Silvana not have come out on the record prior to this time, have Carhart notified that she will be a party to this suit with other plaintiffs and if he doesn't want this to occur then he had better move with her to get her off LVS and then onto the record - then use this data in the suit and any other criminal arena as applicable.)

MAC I/C

14. Get Silvana set down for depo and actually depoed - fully utilize the data in civil and criminal actions on Flynn.

MAC I/C

15. Get Rose, the female atty who has FAMCO docs and others who know of the FAMCO docs existence or have them set down for depos in any applicable legal case.

MAC I/C

16. Continue flat out on all loose ends on the prospectus investigations and get these wrapped up, ideally with the prospectus in hand or an addidavit from the PI in this regard.

NEWS BI OPS

17. Pull all loose ends on the personal investigation of Flynn, finding his OLs, the influence of his wife, what he actually did as an IRS atty, who he worked with, etc.

NEWS BI OPS

18. Get effective and secure obs proposed and executed on Flynn personally with his group, with his OLs, his wife, his ID, etc. Continue obs on Clark.

NEWS BI OPS

19. Get Flynn handled from a completely separate line than any of the above.

NEWS BI OPS

20. Establish and maintain a prediction line on him for knowledge of his criminal actions and feedback.

NEWS BI OPS

21. Get a special bank done on the entire damages area which finds the who and the lines behind Flynn.

INFO CIC

22. Survey and find the real "classification" for Flynn (eg. "extortionist") and see that he is only referred to as this and never an "atty" again.

DG PR US

23. Obtain full restraint on Flynn in all arenas - BI, PR and Legal.

DG US
ALL CONCERNED

200

24. Get the results of the special bank followed up on and handlings done.

DG I US

25. Ride these actions to complete dones and debug as necessary on a priority basis. Get it through to EP.

DG US

26. Get the WHOs of this eval handled for their negligence on proper ethics gradient for each.

DG SB US
OC ESTO

EVALUATOR TARGETS:

EVALUATOR

201

CLERK'S OFFICE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
WASHINGTON, D.C., 20001

I, hereby certify that the attached are copies of the Exhibits used in the case of UNITED STATES OF AMERICA vs MARY SUE HUBBARD, et al., Criminal Case Number 78-401, and retained in our office.

JAMES F. DAVEY, Clerk

BY Margaret L Napier
Deputy Clerk

202

6325.1

#25
[illegible]

1 April 1976

OPERATION FREAKOUT

MAJOT TARGET:

To get P.C incarcerated in a mental institution or jail, or at least to hit her so hard that she drops her attacks.

PRIMARY TARGETS:

US B1 NE SEC working in liaison with OPS NAT. if needed

To remove PC from her position of Power so that she cannot attack the the C of S.

US B1 UE SEC Taking responsibility for the area working in liaison with OPS NAT.

Ops NAT responsible for the overall planning of this project, working in liaison with NE SEC as needed for completion successfully of the [illegible]

OPS NAT responsible for any debugging of this project, necessary.

NE SEC and AG I NY organization operating with info on pushing [illegible] through to completion.

VITAL TARGETS:

1) To recruit an PSM that looks like PC and to train her on this action. AG I N.Y.

2) To recruit an observation PSM to make a telephone call. No special requirements necessary except securiety ~~[illegible]~~ PTS. AG I N.Y.

3) To get "Pin Ball" PSMs or T.M. PSM to get familiar with PC to find out some of her clothes she wears particularly what sort of coat she usually wears and her general looks, hair etc. Also above PSM or PSMs will have to meet with PC when the OP goes down — I'm try, to get a piece of PC's clothing if possible, AG I N.Y.

4) To get a cheap coat that is very similar to PC's. — AG I N.Y.

⑤ To ascertain what PC looks like now, hair streaked ? still skinney? etc. AG I N.Y.

6) To locate a laundry/cleaners near PC's place and to make sure she isn't known there. — (NOTE MUST HAVE CLEAR) AG I N.Y.

7) To find out what PC is wearing the day of the this action. And what her hair is like. AG I N.Y.

8) To have someone availible to steak out PC when she leaves her place the day of the caper, to ascertain when she leaves, what she's wearing etc. 1c

AG I N.Y.

#35

7/8/77

6 - Arc

VITAL TARGETS cont. OP FREAKOUT

9) Securiety is IN IN on this project and "Need to know" is enforced heavily. The only one who needs to know what happening is the "PC" FSM and she only has to know her part. AG IN.Y.

10) To have a set of second hand clothes and a proper wig, (data) on what to buy obtained from FSM in V.T # 3) so that when the caper goes down, PC FSM can instantly get into the proper color or style of clothes or as close as possible. AG IN.Y.

11) To train all FSMs thoroughly on each one's actions; and the timing and coordination of each of these actions. AG IN.Y.

12) To insure that the chosen laundry is open during the day of the caper. AG IN.Y

13) Obtain all the necessary clothes/ Blue Jeans etc that would be necessary for the fast change. AG IN.Y

14) Obtain Wig that looks like PC, so that PC FSM can wear it during caper. AG IN.Y.

15) Brief Pen Pal & TH FSM on that the FBI or Secret Service will probably talk to them about PC. FSM should say his cover and that PC has been seeing Psychs for years and she has memory losses when on pot or when drunk. Work this out carefully!

EXHIBIT U PAGE 77

204 6-Brc

"3"

OP FREAKOUT

OPERATING TARGETS:

CHANNEL 1:

1) Telephone call PC to ascertain if she is home alone. She must be home alone.

AG I NY

2) When she has been found alone, telephone (~~during~~ the work week) 2 Arab Consulates in NYC, from telephone booth nearest PC's place. Telephoner should be a girl that sounds like PC and the call should be fast, to the point, and impinge. It should go as follows: from a totally trusted non staff member.

" I just came back from Isreal (pronounces the way it is pronounced in Isreal) I've seen what you fucking basterds do. At least you're not going to kill my sister. I can get away with anything. I'm going to bomb you basterds. Say something in Jewish/swear or mumble something jewish.

AG I NY

CHANNEL 2:

1) Obtain a copy of Writer's DIGEST - a writer's magizine - (if not availible get any writer's magizine.) person who obtains this magizine should be disguized in some way and not traceible back to the org. Dont order the mag. by mail. One should easily be found on the newstands or in "back issues" stores.

AG I NY

2) Obtain the latest promo of the T.M. (transidental meditation) that PC is going to, same securiety as above.

AG. I NY

3) Cut out "letters" from both of the above publications. Include "CAPITOLS". Arrange the letters , pasted, on a clean piece of paper (not Org paper) If there is a blank page or nearly blank page in the writers magazine, use it, crossing out in ballpoint anything written on the page. Paste or glue the letters so that they say the following:

"All of you are distroying Isreal. You're just like them= my sister lived you basterds. I was there - I saw the wonderful people. Nobody can touch me. I going to kill you basterds I am going to bomb you. Kissingger is a traitor. I'll bomb him to. It makes me very sick. I must meditate. You are spying on me even in Isreal. Your day will come soon. I'll expose you and bomb you."

EXHIBIT 12 PAGE 18

6-C/c

205

OPERATING TARGETS cont.

3) cont. [redacted]

Go to library and type out the name of the N.Y Consulate and address of the Nation that is most anti Isreal (attacking it) . (No prints) Use "Capitols" on the envelope.

4) Place "letter" into the envelope, seal, and mail from the [redacted]. mail box nearest to PC's place.

INSURE SECURITY / NO PRINTS on any letters, envelope, or paper, or stamp.

INSURE no paper from AG Office or Org is used.

Entire action should be done out of the Org.

NEED TO KNOW strongly inforced. PR, Communicater Legal should not know. Max should do this entire action.

If in doubt about "did my prints get on anything" throw everything away and start fresh.

CHANNEL 3:

1) PSM in VT # 3 telephones and makes a definate appointment with PC. Sometime when the laundry (in VT # 12) is open. The place should be a restruent or bar/ one of the purposes of this action is also to get PC drunk.

AG I NY

2) PSM above [redacted] meets with PC.

AG I NY

3) Steakout PSM (see VT #8) communicates with Case Officer and PC Double PSM (see VT # 1) and alert the former what PC has on, how her hair is arranged, does she have her usual coat on etc.

AG I NY

4) "PC PSM" changes to the closest clothes they have, matching PCs. If PC has on Blue Jeans/ change to Blue jeans. If PC has on her usual coat put that on.(see VT # 3 and 4) What ever PC usually wears (a favorite sweater etc) a yellow dress, blue, green etc. sneakers, a yellow scarf etc should be had by PC PSM ready to change into. In other words several different out-fits should have been obtained by PC PSM, so that when the caper goes down, she can immediately change into the color or type of outfit that PC has on.

From the observation of the steakout PSM --- to the change of

PC FSM's clothes, only 3 minutes should have gone by. If PC let us say has her hair up, FSM puts her "hair Up" very fast it doesn't have to be a good job/ just so it's "up".

AG I NY

5) PC FSM goes immediately into the laundry and does the following caper. (wearing sunglasses) This is done immediately, so that PH could have done it on her way to meet the ~~FSM or~~ FSMs for drinks.

(Patter/ PC FSM goes into laundry/cleaners. Acts very confused. Says "I'm P.C. Do I have any clothes here? Clerk says no FSM demands clerk checks. Clerk comes back. Says no again. FSM screams You're crazy, my name is PC, check again! When clerk says no or whatever he does, FSM goes PTS 3/ You're one of them! I'll kill you. You're a dirty Arab. You fucking basterds. I'll bomb you. I'll bomb the Arabs. I'll bomb the president. I'll kill that traitor Kissingner. You're all against me."

If an Item of PC's clothing was obtained at TH. FSM leaves this on the counter or drops it on the floor.

FSM

6) PC FSM leaves laundry immediately, turns the corner and gets into "pick up" car. Takes off "PC's coat" Wig or whatever. Changes her looks fast.

FSM

8

7) Mean while, immediately after PC FSM leaves laundry/cleaners, observation FSM (see VT # 2) asks laundry clerk if they do Suade cleaning and also says, Boy was she crazy! real casually says I think you should call the police with all these nuts threatening to kill the president. FSM leaves. FSM should be disguized and not work on staff.

FSM

8) FSM calls from a phone about 5 blocks away, the FBI and says that she/he doesn't want to get involved and doesn't want to give her/his name but some nut girl in (the name of laundry) just went crazy and threatened to bomb the place and kill the president. With all these nuts running around I thought you should know. The guy in the laundry heard her too." HANGS UP. and leaves immediately and gets out of there. This call/ the FSM's voice should be disguized. All these type calls are taperecorded.(FSM should not be told this; just to disguize her voice.

FSM

EXHIBIT 12 PAGE 50

6-Erc

PRODUCTION TARGETS:

CHANNEL 1: Should be done within 2 days of receiving this project.

CHANNEL 2: Should be done the day after the above channel is done.

CHANNEL 3: Should be done within 1 week after the above channel is done. (and when other FSMs can get an appointment with PO)

channel 5 10 days after channel 3 is done (Conditional

Love,

Puck

Op Freakout 2: No Prints!!!!

Additional channel on Op Freakout. (Lovely)

1) When TM or Pin Ball FSM meets with Lovely, they get drunk! Another FSM male, has a funny typed out joke. One of these full page sexy jokes. It has a plain white cover on it - a plain typewriter sheet. FSM has 2 copies of this. He shows one copy all around the bar, obviously so that lovely and FSM can see him doing it. Then drunkenly come's over to FSM's table and wips out "joke" to show FSM. Both FSM and "drunk" are careful not to touch plain sheet! The 2 sheets are folded as if to be mailed. When drunk picks up joke again, he whips it up by its corner and puts it in his long open wallet or puts it in his hat that he should be wearing for that purpose. If the hat is used, "drunk" goes into the bathroom and carefully puts " joke " into his wallet. Drunk is always acting the fool. Drunk leaves.

FSMs

2) Drunk takes sheet with Lovely's prints to AG I being sure to get no prints on it.

Drunk FSM

3) Write the following letter on a library typewriter and address the envelope to Kissinger in Wash. DC on the same typewriter. (obsolutely no PRINTS.)

You are a traitor to your peopleYOU BASTERD. I've been there and seen what you have done. You're ONE OF them. I'M GOINg To KILL you I'M going to BOMb YOU. I have connection.NObody Ca n touch Me. You arre a German Pig. You Should be in THe Concentration CAMPs. I Feel So Ill Because OF YOU And YOu GodDam PIGs. YoU Die SOOn. It IS a Phalic SYMbol. I Think TransFeranCe. EPidus The BOMB Is S ET TO gO. MY Sister ISRE A L. ThEY Are Responsible . They Persecute Me / I W ill Kill THem AND YOU. YOU are All Aga inst ME. The [illegible]—

The above letter should be typed onto the blank sheet obtained in #1.

AG I NY

4) Mail the above, from the Mail Box nearest Love's place.

AG I NY

5) If the above 1 and 2 don't work out for any reason. Do the same action at T.M. with Lovely and T.M. FSMs.

AG I NY

United States District Court
for the District of Columbia
A TRUE COPY

JAMES F. DAVEY, CLERK
By [illegible]
Deputy Clerk

7-A

209

EXHIBIT 6 PAGE 62

OP FREAKOUT

CHANNEL 4:

1) Do not tell "Pin Ball" FSM or TM FSM about this OP, but alert them to immediately report any thing PC tells them. Have them try to speed up their relationship with PC. for feed back purposes. Get feedback on this op. (cle verly) for use in other actions.

AG I NY

CHANNEL 5:

1) Wait 10 days after the completion of CHANNEL 3. If nothing has accured from feedback, on PC. Then have the following action done:

~~[illegible]~~

FSM Female disguized voice, calls the Arab Consulate and asks for the Press "attache". Talk through a piece of thin paper covering the mouth of the phone. This will be taperecorded but don't take FSM on this. FSM says crying to Attache:

I just want to tell you there is someone a writer by the name of PC, who recently came back from Isreal. She works for Isreal Intelligence. She's also insane. She was in a Concentration Camp in Natz Germany. She's been seeing Psychiatrist for years. Her sister is also with Isreal Intelligence and lives in Isreal. She talks when she high on drugs or drunk. Lately she's been talking about bombing your embassy. I hate the damn Jew.

FSM hangs up and leaves fast.

7-13 -

~~7-[illegible]~~

210

~~Richard~~ "

Good HOM OK on one channel not 4

A

" Push Ops

BID NAT
NAT SEC
DG I ~~[illegible]~~ #3
OPS NAT G

13 April 1976

Hard Route!

CS-W

RE: P.C Op Freakout

Dear Dick,

SITUATION: Copper is still not terminately handled.

DATA: Cooper is getting her power back, attacking again.

Attached is approved Op Freakout. This additional channel. Should really have her put away. Worked with all the other Channels.

The FBI already think she really did do the bomb threats on the C of S.

SOLUTION: OK this additional Channel.

This is OK A

Approved D Do separately + triple insurance that NO prints of ours are on it

Disapproved______

Love,
Randy R

11423

#3

EXHIBIT U PAGE 84

8 - A pc

"A"!! Operation

ok 5 April 76

NAT BID
NAT SEC ~~6 April~~
DG I
OPS NAT

OK - See note below.

5 APRIL 1976

Dusk Hard Rant

CS-W

RE: PC Operation

given to NE Sec
6 April 76

Dear Dick,

SITUATION: PC hasn't been handled.

DATA: Pc is attacking Base and probably coordinating MC Cleans attacking actions.

PC has been arrested before for Bomb threats against the C of S.

We reinforce this background and get her committed.

SOLUTION: Impliment this Operation Freakout.

This is OK R

Approved

Disapproved________

Love,

Randy R

Channel 3, Target 5: Seems like it would be good to have FSM first give "her n (P.C) to the clerk so he'll write it down o an invoice with her address - so there's no misduplication by the laundry clerk. She can do this in a crazy manner so that she doesn't have to actually g the clerk any clothes to clean which ca be traced.

Then she can go into her routi about asking for her "already cleaned clothes.

L,
GW

EXHIBIT 6 PAGE 85

2/2 14 Apr

CONFIDENTIAL
ATTORNEY - CLIENT
PRIVILEGED

SECRET

6 June 73.

The Goodrich Suit Evaluation

Policy: Evaluate situations before planning actions and handling.

Investigate and thoroughly prepare all legal actions before acting.

Thoroughly prepare legal actions; wins are proportional to preparations.

SITUATION : Suit lodged against C. of S. for 500 million by a Goodrich of San Francisco, including a Class Action.

DATA : A preliminary and a further surface study of this case reveals long strings of omitted data and omitted preparations.

An evaluation was omitted, one that is correctly done.

The advices by Intelligence show gross omissions, even the normal data surveys of individuals involved.

The plaintiff, his cohorts and attorneys are omitted totally as targets in the legal planning.

A wrong target exists re books. This is also dropped out time. Nothing that can be done to books now will help THIS suit. 1 to 4 of ltr 4 June 73 apply with realism to FUTURE suits but would have little bearing on this suit.

The attorney planning, while excellent in itself, is not, however adjusted to THIS suit and applies to any such suit. Omitted are compromising actions that would cause the suit to be thrown out such as conspiracy, government instigation and other factors. And these are omitted because routine intelligence is omitted and because an evaluation has been omitted.

A gross planning error exists. It is assumed that the opposing side is laying a groundwork to govt destruction of Scn, the exact steps of how this COULD be done are laid out. There is no factual evidence that this situation really exists, only that the plaintiff may hope it could exist. The exact error is, as a General, assuming (out of one's own specific knowledge) that the enemy will make certain splendidly planned steps which will lead him to a certain victory whereas the enemy may not have that knowledge and may very well have entirely different things in mind. Then to place all ones defense so as to repel that hypothetical attack but not solidly meet the existing attack can lead to a severe defeat. Dropped out time, wrong sequence, wrong target.

Omitted is a bright idea that will undo all this and this again is omitted because of very little (omitted) normal intelligence like credit reports, familial relationships, past criminal records, involvement with earlier fraudulent suits, possible disbarments, sources of data, sources of finance.

213

EXHIBIT 6 PAGE 86

4A

G EVAL

Omitted by the plaintiff are actual plaintiffs if any. False data is found in the early and scanty intelligence reports; it is alleged govt agencies are in full cry including foreign governments; yet as to agencies, "nobody has answered yet" from these agencies.

"Somebody very big" is back of all this BUT their suit is badly prepared by legal estimation and full of technical faults. These are conflicting facts as a "very big" would not be pushing a faulty filing or allowing one.

Omitted are any transcripts of SH org members or those in other orgs who might have had to deal with Goodrich.

File A. is excellently summarised. By the evidence to hand it is not being fully used, as it contains data in itself which would successfully terminate this suit on its merits and when well examined and USED removes danger from any actual trial as the plaintiff severely injured his head many times BEFORE processing and also fell from a motorcycle and hurt his head in the earliest period of processing. But more importantly he planned to destroy Scn on 25 August 69 for which record and a witness exist and yet refused refund and continued on, thus proving his sole interest was to destroy Scn.

Examining the complaint and the books quoted, the outpoints are dropped out time and false reports, of which the dropped time is also falsified.

The plaintiff signed two success stories available in record.

The wife Lois Goodrich shows extreme hostility and moves in and out, back and forth, per Record A. She is a trifle domineering, threatens with "Federal Marshals" and other officials and is the source of this delusion that this is a very wide case in which the govts are interested. These show false as an outpoint type.

The plaintiff stayed around too long for the action to have begun as a plot by outside interests. It is obviously a plot by him. He is PTS type III and has both mother and wife trouble.

As to receiving treatment, the record shows that he only received a little Dianetics and a quick pass on the grades. BUT SPENT MOST OF HIS TIME IN ORGS INVOLVED WITH TRYING TO HANDLE HIS DOMESTIC LIFE AND DID NOT IN FACT RECEIVE FULL HANDLING. He would not straighten himself out so he could be audited. This is a point that can be made.

They refused refunds.

There must have been WAIVERS signed by both these people, possibly several times, that they were not engaged in anything but a religious activity. This is omitted from the file and from planning. That they omit this though it must be known to them is a falsification.

In actual fact all books used were 1950-51 and psychosomatic healing has not been part of any offering permitted by the Church.

Omitted is any defense for , not an officer or director, materials only for a term of good usage.

Falsified by the plaintiff is the corporate status, these churches being different corporations. The plaintiff having taken service from SIX organisations.

Omitted is the glaring fact that the plaintiff continuously engaged in several other practices per File A and could not be said to have suffered from one any more than the other.

The plaintiff falsified his first White Form, omitting the fact which later emerged, that he had been pronounced insane (probable) and incarcerated in an institution (certain) at the age of 7. and (probable) has been in one at other times, which fact is unknown. The plaintiff was hypnotised apparently on several occasions long before coming to the Church. The Church does not hypnotise so his complaint is false.

Plaintiff said he was crippled by an "explosion in mid brain" and alleges he could not work but when suspended at ASHO worked for 7 months on a tanker.

These and other facts demonstrate that one is handling TWO situations in this case. Thus the two separate evaluations follow, based on above outpoints.

GO SITUATION EVAL G1

Policy : Fully evaluate all major situations.

SITUATION G1: The GO US is apprehensive about the Goodrich suit and advocating measures which will not completely handle with certainty but which depend on technical legal expertise - which they have and which they should employ and which they are employing.

DATA : As above.

STATS : Very good legal stats.

OUTPOINT COUNT : The primary outpoint is omitted data.

This outpoint occurs over and over and over and appears in the form of unutilised (omitted from use) data as well.

These outpoints in the majority occur in the area of Intelligence.

WHY : Intelligence Bu-head not providing sufficient information even of a routine nature to permit legal to form solid reassuring planning that will lead to an inevitable win.

215

SECONDARY WHY : GO US is miscalling "Evaluation" and is doing brief off the cuff SITUATION-WHY-HANDLING write ups which are not pure evaluation and do not use outpoint counts or the Data Series in full.

IDEAL SCENE : US GO calm, confident and effective in all Bus.

HANDLING:

A. 1. Continue the legal defence as it is proceeding as it is technically sound in its legal strategy and, considering that it is lacking even elementary Intelligence data, is buying enough delay to remedy lack of proper data and evaluation. — LEGAL

B. 2. Run out all ARC Breaks, then w/hs of omission and commission on the head of Intelligence. Handle any personal problems that appear. Do this instantly. — STAFF AUDITOR.

C. 3. Do the same for any other Intelligence personnel. — STAFF AUDITOR.

D. 4. Promptly look over Intelligence and at once remedy any reason for their organisational troubles. — GO US

E. 5. Get existing Int staff flat out at once on the Goodrich case. Augment or handle personnel/finance as needed so as not to upset any other operation. — GO US

F. 6. Produce any and all data needed for a complete, sound, winning defence. — INT BU HEAD

G. 7. Keep Legal continuously briefed. — INT BU HEAD

H. 8. Method 4 and review all data re expertise in the Int Bu and as written for them especially. — GO TRAINING OFFICER.

I. 9. Send an aide from Flag to instruct all US GO personnel on the Data Series. — ________

GO SITUATION EVAL G2

Policy : Win a case on its merits.
Delay a case where the merits are indefinite or
until the merits can be firmly established.

SITUATION : A suit has been brought against the C. of S. and several of its principals by a Robert Edmund Puthoff Goodrich in the superior court of California, County of San Francisco for personal "damages" and as a Class action, alleging "fraud" in books and advertising and seeking to blow up a common suit into an action far out of proportion to its merits, but which constitutes a damaging thing only if it is lost and makes a precedent.

DATA : See earlier summary.

STATS : Very good stats legally to date.

OUTPOINTS : The very numerous outpoints all add up to false outpoints. Even where omitted data occurs it is omitted for the purpose of falsification. This type of outpoint is almost exclusive in the count except of course the wrong target of suing C. of S.

WHY : Goodrich and his backers have entered upon a false project from false backgrounds, are falsifying testimony and records in the greedy hope of getting some cash.

SECONDARY WHY : Orgs being reasonable about PTS and refund policy and the handling of psychotics.

IDEAL SCENE : Case fully evaluated and the evaluation being pressed home effectively with an eventual win and useful only to close up holes and as example in PR, restrain further attacks.

HANDLING :

J. 1. Legal to keep the opposition on the defensive and to obtain needed time by means now in use and as per current legal planning as contained in 3 June 73 (d) Strategy, with this single exception : Use Discovery along legal lines by all means, but augment it with File A 2 June 73 Time Track and insist upon obtaining from Int further data and utilise it. See G2-A. Attached. US LEGAL

K. 1A. Strategy for defensive actions. See G2-AA LEGAL

L. 2. If the case comes to a hearing or trial, in addition to any other approach deemed by Legal to be effective, use G2-B attached. US LEGAL

217

[redacted]

M. 3. Lead as feasible the plaintiff or his associates into making statements in sworn deposition or under oath that can be shown to be false. Develop such data from Int and other records and lead them into asserting a thing that can be proven false, then prove it false and move for a charge of perjury.

US LEGAL

N. 4. Work the case into a criminal type counter charge by whatever means.

US LEGAL

O. 5. Counter sue on the basis of G2-C or with whatever other means turn up so as to make an example.

US LEGAL

P. 6. Work out a means of defense of in this and utilise it, preferably to get an early removal from being a defendant. See G2-6.

US LEGAL

Q. 7. Rapidly institute Steps 1 to 3 of the letter to M of 4 June 73 by B.

D/G US

R. 8. Compose, with Legal assistance a disclaimer that does not invalidate the work but explains that the Church, while it is perfectly at liberty to do so, does not engage in psychosomatic handling or accept persons for treatment of disease of insanity and offers spiritual and religious counseling and that the attainment of betterment is at the responsibility of the person himself; that the E-Meter does nothing by itself but serves only as a guide to ministers of the Church; that the author was recounting only observations as a consequence of his work and is not responsible for any promises or misuse of these materials etc; the import being that the person reads these works as his own responsibility. The purpose of this is to debar any slightest chance of being charged, Church or author, with Fraud. Design it handsomely like a book plate with space for the persons name on it "This book belongs to ________" at the bottom with plenty of space for the name and the type rather small.

D/G US

S. 9. Get this pasted into all books inside the front cover. All countries.

DG US
CO WW

T.	10.	Start the E-meter legal disclaimer with "By itself, this meter does nothing. It is solely for the guide of ministers of the Church in Confessionals" then continue with the court wording, the two statements so placed that they appear to have different origins but are read together even if not placed together.	DG US GO WW
U.	11.	Complete and publish the religious bona fides.	DG US (with assistance).
V.	12.	Edit DMSMH, bringing it up to date, adding a discussion of intervening years and the role of the spirit. Reissue as a "New Book", D + 24.	WRITER.
W.	13.	Update the Garrison book and get it into print.	GO WW
X.	14.	Work out a letter campaign to handle all past neglected or hostile Sons.	GO WW
Y.	15.	Collect enormous numbers of existing identity connected success stories and select so as to cover actual gains stated as attainable in books and literature. Use in court. Publish as "Success with Scn" with statements by the editor. "We didn't tell these people they could win" is the motif.	DG US Appointed Team.
Z.	16.	Review these programs and add targets that may be suggested or advised.	

TARGET 1 - G2-A

The keynote of these people is falsity. This will not apply to just this suit. It will apply to their whole lives, past and present.

BRIGHT IDEA ONE-A for this target : By obtaining a deposition or interrogatory from LOIS GOODRICH or by other means utilise her fixation on govt agencies and Lazaro's false claims of Federal backing or his hopes from them, any connection between Goodrich and the FDA ex-head, and any actual evidence to either affirm or sturt rumors that this is a conspiracy, prompted by others who are not shown as actual plaintiffs, establish some illegal action by them, preferably theft of records, breaking and entering, taps, espionage within the orgs. Then use this with a blast of PR to "move for dismissal at once". See Letter A,4 June 73, TLM.

A. (a) Discover any connection between Goodrich and his possible FDA namesake. ______

B. (b) Attain much further data on the connections of these people (i) credit rating (ii) past involvements (iii) suing others (iv) govt involvement (v) past criminal records (vi) source of finance for the suit (vii) any swindles as employee damages (viii) develop a rounded picture of these people, their finances and connections. Feed Legal the data as fast as developed.

C. (c) Explore how to effect Bright Idea One A above, keeping in mind and USING at this stage the false ideas being fed in by Lois G and Lasarus and acting as if they were true and you believed them (for now).

LEGAL BU

D. (d) Do the submissions, interrogatory, deposition steps necessary to develop and finally explode the case.

LEGAL BU

BRIGHT IDEA G2-B : Goodrich has a mental hospital record. Age of 7, also 1967, probably many more. Use this to get him labeled as incompetent civilly and not legally able to bring a suit, or use it to invalidate all testimony, and filings. see A, 2 June 73 Time Track.

E. (e) Collect the records and evidence of the 7 year old mental home, the 1967 NY hospital, the 18 Sept 69 visit to Samuel Searlet, MD 490 Post Street SFO, any other mental evidence, by legal means. Get it to Legal. ______

Tgt 1 - G2AB continued.

AF. (f) Obtain documents as listed below and give to Legal. DG US

AG. (g) Compose the proper court submissions to move for dismissal on the grounds that the plaintiff is insane, that he falsified his application for service well knowing the insane and electric shocked case is not accepted for processing or service in the Church and knew also that he would be rejected if the fact became known. That his conduct while in the Church was that of an insane person (do not furnish his threat to wreck Scn as this must be masked until possible trial). And that the case should be dismissed because of mental incompetence of the plaintiff who has no grounds for suit. Infer this was reason for discontinuance of service but only infer it. LEGAL BU

(Documents needed, PL on the insane, sample of waiver, WF. Not the waiver pc signed which is to be reserved for any trial).

BRIGHT IDEA : G2-C : Build up a mounting record of false utterances by the plaintiff, his wife, any others so that the atmosphere of total falsity can later be used in case of trial. Ask questions in additional depositions and interrogatories that are leading so as to provoke false answers which can later be shown to be false.

AH. (h) Locate anything false or of pretense in the Plaintiff's life or in that of his wife or mother. Give to Legal. INT BU.

AI. (i) Work over all data to hand and see how it can be used to provoke false answers in depositions, etc. Use them. LEGAL BU.

AJ. (j) Carefully list any and all false answers or statements made by the plaintiff or those connected with him, with place and date, particularly those given under oath but not omitting those made to other persons for eventual use, in case of trial. LEGAL BU.

G2-AA
TARGET 1A - DEFENSE ACTIONS.

It is too optimistic to suppose that the plaintiff will not have smut and muck to throw at Scn, bringing up all sorts of cases that have been on the outs, bringing up chain lockers and handcuffs, bringing in psychiatrists "expert testimony" and trying to make the press with shocking revelations. He may even release things to the press before they come to court in true Democratic fashion in the best tradition of Fascist Germany.

Therefore, these actions should be anticipated.

They should be ruthlessly handled to GAIN ADVANTAGE IN PROVING EVENTUAL PERJURY as well as any other legal motive.

But be assured, it is my experience, that these charges are FALSE. Do NOT fall into the trap of believing orgs or Scns do these things unprovoked when they are done at all. Every investigation I have ever conducted (they are MANY) I have found that these entheta utterances and charges against orgs and people were FALSE, and even in the most grave ones, there were fantastic provocations.

In this zone of DEFENSE is where Intelligence (Information) and Legal must work fast and furious and hand in hand.

Aside from legal invalidative tech on such charges and setting them aside on technical grounds, THE STANDARD AND ONLY WORKABLE WAY OF HANDLING THIS MATERIAL IS BY WHAT IS CALLED "Dead Agenting". This is defined as it is in the old Chinese book of war : When an agent is found to be feeding the enemy false information, the enemy kills him : hence, "dead agenting". In our case it means this :

ASSUME AND PROVE THAT EVERY CHARGE BROUGHT IS FALSE AND GET THE DOCUMENTS AND WITNESSES AND DEPOSITIONS AND PROVE IT SO.

This means that any charge or allegation made can only be answered or handled after Intelligence has slashed out and gotten the documents to the contrary or contrary facts are demonstrated in or through witnesses.

AK. 1. Understand and use the above. LEGAL BU.

AL. 2. Understand and use the above. INT BU.

AM. 3. Ask for delays until the thing can be dead agented. LEGAL BU.

AN. 4. Get the contrary evidence. DO NOT LET A SINGLE ENTHETA CHARGE GO BY ! DA IT ! INT BU.

G2-6
TGT 6 Data : Suggested argument for an action that must be done.

There is no valid reason for to be continued as a defendant in this suit. Petition to remove him must be made.

The facts are plain. He has not been a director or officer of any of these orgs since three years before Goodrich ever came near one.

He had no knowledge of Goodrich, as a case.

The books in question were written by 20 years and 19 years respectively before Goodrich came on the scene. They were written for publication. The copyright date alleged by Goodrich is false.

The books were written years before the Church was founded.

has no control over the use of his books any more than any author has.

He wrote none of the advertisements offered.

His sole role in this is that of a writer of books nearly a quarter of a century ago. In all that time they, as books, have never been challenged and have been read by many, many people.

It is completely unconstitutional in the United States to charge a writer for writing books and will not stand up in any contest of law regardless of who sold or used the books.

The First Amendment guarantees freedom of speech and press.

Therefore his name should be struck from this suit as a defendant.

If the plaintiff disagrees, then will have to initiate independent legal action against the plaintiff for libel and slander on constitutional grounds as cannot legally be considered a party to this suit.

EXHIBIT 10 PAGE 96

TARGET 2 - G2-B

This person has no case if it ever comes to trial, providing only that the hearings are extremely well prepared and continued on an attack line.

NOTE THAT AT THE BEGINNING OF A CHAPTER OF DMSMH (page 169 ?) it says people who have been damaged by psychiatry cannot be helped or are difficult to help. THIS IS THE WIPE OUT OF FRAUDULENT CLAIMS as he works hard to bring in this very book in his complaint.

Further he signed a waiver. Possibly several as he was in six orgs. "He was informed we did not treat the insane or institutionalised yet hid this data. (See White Form). He was there on false pretences. He refused a refund.

Throughout his processing he had witholds and sweaty hands, most likely, which gives a low tone arm. He is a "low TA" case which means that he is easily directed or misdirected and very easily overwhelmed and will react very badly to badgering or anyone's refusal to accept what he says, which is valuable in face to face interrogation as he will blow up or collapse and will present a bad appearance. Carried in the right fashion during cross examination his blow up could be timed (by simple refusal to accept what he says and by asking the same question doubting his answer) to coincide with a point which would look like an admission of guilt and would be interpreted by a judge or jury as such, particularly if the interrogator remains very calm and pleasant: he will give the appearance of mental instability and guilt any time a cross examiner wishes.

AO. 1. He has a long history of head injuries. See 4 June 73 A or (a) "Headache List". See 2 June 73A Time Track, White Form, pre-Scn motorcycle accident (1 Feb 69 WF). Although he complains about this, it can be safely assumed, for legal purposes, that this is a fake. The org decided he was not for them, sent him to an MD apparently as on 18 Sept 69 we see Dr. Clark and Dr. Scarlet on the scene saying he had nothing wrong with his head. (Actually this is probably true, enough of a bet to permit a new medical exam which would also appear negative as to head. Actually he probably is diabetic which gives headaches of mysterious origin and turn on under stress, meaning these headaches took years to build up under a bad diet or drugs or alcohol abuse). For legal purposes, it can be established, within the competence of an MD at contemporary tech of medicine that there is nothing wrong with his head. They won't think of blood tests or secondary causes. HIS "HEAD TROUBLES" existed BEFORE auditing, that can be established; he was sent to a doctor to handle; he was offered refunds and refused them and forced himself back on the org; and is currently faking that there is anything wrong with his head. ALL THIS MUST BE EARLY ESTABLISHED IN ANY TRIAL.

AP. 2. He had constant troubles with his wife Lola and is undoubtedly being forced into the suit as her pawn. Women who interfere with husbands auditing want husband bad off, old stable datum. It can be established that his relationships with wife were awful, that she constantly interfered with his life (not his auditing as this point must be repressed for later reasons). Attribute his loss of income to his wife troubles establishing that by keeping him under stress he was unable to work. That cares for claims that Son prevented him from working. Actually he would really never get his life in shape to get audited and received very little actual auditing. Make the WIFE the villain for his income losses.

AQ. 3. He is guilty not only of earlier practices but contacts with other practices during his time of bothering orgs. See 2 June 73 Time Track and records concerning these. It can easily be established by cross examination that he was concurrently engaged in other practices while he was badgering orgs. Thus any condition he has can as easily be attributed to engaging in other practices as to Son. Dale Carnegie, medicine, hypnotism with dentistry, neurology exist; you can be certain others also existed. Yet he seems to be fixated on blaming Son. THIS POINT MUST BE ESTABLISHED FOR THE WHAMO.

AR. 4. He wrote two or more success stories in which he stated he did have gains. These can be dug up and presented. This is done to establish further his falsity. He will say they didn't last. Infer that this was his own irregular life.

AS. 5. Now comes the piece de resistance that wins the fraud case. Locate the section in DMSMH the disclaimer as to the mentally ill. Locate the PLs that forbid treating the insane or the physically ill, locate the WFs which omitted his psychiatric history. Present these as exhibits. Unearth the full record of his earlier falsities. Establish that he was fully aware that he was the victim of psychiatry. Establish that he had read DMSMH. Introduce waivers he signed foregoing physical treatment. Establish that he actually knew the subject excluded him in its claims and that he falsified his attestation. Apply this to any other plaintiff. Establish by an exhibit of tons of success stories that it does work. Note that the Handbook claimed only for 88% of cases. That the Church does not use Dianetic claims per waiver. Establish that he refused refunds and that refunds were given his wife. Make the easily made point that he forced himself on six churches, was advised there was need to straighten out his life before he could be helped but did not admit to him he was classified under the insanity policy. Have the claims re fraud dismissed. And the suit..

225

AT. 6. Now the piece de resistance the Class suit if it still hangs on. It is "On behalf of others similarly situated". This would include only those persons with a history of insanity who hid the fact and badgered the Church for service. All these people are weeded out when found, as per policy. And by waivers they sign and policies they are shown. If there is such a class any claim they have is as illegal as Goodrich's. Augment this as necessary. Have the class portion of the suit dismissed. And the suit.

AU. 7. Here is the final whamo. Should the priest penitent priviledge be waived, the session of 25 August 69 shows that, or can be made to show that, he PLANNED TO DESTROY THE ORG AND SCIENTOLOGY AND ONLY REMAINED IN IT TO DO SO for three years. The person who audited him can so testify. The report can be entered as an exhibit. That he is lying to the court and to others and that his wife and co-plaintiffs are engaged in inciting action against Scn and by the Class Action itself, he is carrying out his plan. When this is done, his falsity has been established in earlier instances, his equivocations will be exposed, the full record of falseness should be entered as an exhibit, between now and the future time of this hearing there might be further threats of violence or action against the Church, these can be brought up as incited by Goodrich and his accomplices. That he is insanely bent on destruction and is a menace to society. Any instances of his efforts to destroy ships or people covertly that have been found can be included. The whole case should be dismissed and the suit. And damages awarded the defendant as well as all costs.

AV. 8. Should for any reason the trial fail to dismiss, introduce First Amendment considerations as were originally planned for the trial strategy.

AW. 9. If the First Amendment plea fails, appeal to a higher court, as there would have had to have been gross technical misbehaviour on the part of any judge who failed to dismiss this at one stage or another. BE SURE TO KEEP A RUNNING RECORD OF SUCH TECHNICAL FLAWS ON THE PART OF THE COURT OR PLAINTIFF IN CASE IT IS NECESSARY TO APPEAL.

AX. 10. Retry the case in the higher state court fully.

AY. 11. If the state court fails, on the basis of the fact that the Plaintiff alleges complaints against five different organisations one of which is in another state, and as it raises Constitutional issues and was mis-tried, take it to the lowest Federal Court nearby.

AY. 12. If for any reason the matter fails in that court, by continuing record of technical flaws, take it to a high Federal Court. By this time you would be trying the legality of Class Actions themselves as, unlike others, we cannot settle out of court, and few if any Class actions actually have come to trial. Thus it will be possible to go higher.

(In the meantime, there is hope that Class Actions may have become illegal and that this suit has been brought as a Class Action in the first place destroys it utterly. But don't count on it).

BA. Constant alertness must be kept at all stages of this suit for perjury. This is the key to it. You will find that (a) THEY DO NOT KNOW WHAT YOU KNOW OR HAVE RECORDS OF. (b) Their strategy will not be perfect and the general strategy of attack envisioned at first probably won't materialise but other odd ball things will. (c) Their first perjuries should be let pass as they will be small. This will embolden them. (d) As soon as you have several small ones and a reliable big one, MOVE TO CHARGE FOR PERJURY and dispose of the case by using the falsity of the plaintiffs against them in this fashion.

BB. The moment you have a dismissal, work then not just for costs but for some uproar so that you have PR in the win. Do something freakish as soon as the dismissal is sound, such as some extravagant demands such as (a) move for arrest of all persons connected with the plaintiff (b) put in an outrageous cost figure (c) put in a one billion dollar damages claim against all members of the class who supported him, thus seeking to create a precedent that makes a class suit filing dangerous (d) include in the damage demands any govt dept or agency you have any trace of in the case (e) give an amnesty to any news agency that was carrying anti Scn press on it in such a way as to give them a shock of relief, but in return for the favourable win. This is PR BU _______ The rest of this tgt is LEGAL.

BC. Review the whole case to establish any line of attacks or patterns revealed by this suit and act to cancel them as effective lines. See burning the folders hard news stories at SH in late 60s.

DG US

BD. Develop and invent into hard news blockers or cancellers or invalidators of such lines of attack.

PR BU.

BE. CAUTION ON TRIAL. Do not let the plaintiff derange your line of attack. Handle his efforts and always come back to the next stage of yours.

BF. Do not expose any of this planning in any way or data connected with the trial strategy until the actual trial, if any.

END OF EVALUATION.

EXHIBIT 6 PAGE 100

227

8 June 75

The Goodrich Suit Evaluation
(Addition 1).

Page 5.

PP. Add 1B; as already mentioned in strategy, make the suit as expense as possible for them. But to this include, as inexpensive as possible for us so its expense does not unduly absorb funds and thus curtail other needful actions elsewhere. One of the ways of making it expensive for them is used abroad and may be worked out for the US : i.e. the financial competence and financial responsibility of the plaintiff is continuously challenged such as on the grounds of being transient, or often shifting jobs or heavily in debt, thus making recovery of damages for the expense he is causing impossible; this leads to examination of his finances for the suit for one thing; but abroad bond after bond can be demanded, demurrers can be filed to taking depositions required of one on the grounds of expense and new challenges of financial responsibility can be made every time with new bonds. The plaintiff is the one causing the trouble and he is NOT financially responsible at all. The attorney's source of funds can thus be traced. Change of venue can be re-pleaded at every pretext and also on these grounds of financial burden. In each such filing one drives home the irresponsible falsity and the insane character of the plaintiff, questioning any legal rights at all and repeating this was the reason the Church refused him service. Work out other ways of causing them expense. And in one or more of these discover an already existing improper use of funds or malfeasance in the plaintiff's or Lazarus' methods of obtaining funds such as false promises to other claimants. Steer it into a financial crime case as feasible.

LEGAL BU

PQ. Add 1 C Intel (Information Bu) to obtain legally information as to how funds are being contributed and to find the evidence that the suit, in fact, is just a means of shaking down other claimants, a sort of side swindle by the plaintiff and attorney.

INT BU.

PR. Add 1 D There is some possibility that Lois Goodrich and Lazarus would get rid of Goodrich. The pair may have something going and plan something about Goodrich whereupon his demise is used to prove he had been harmed. There is something wrong in that set up. Find it. Legally.

INT BU.

Page 6 & Page 9B.

Target 6 and its suggested Data.   REVISION.

If in legal opinion this will open the door to putting too solidly into the case, use this only if the plaintiff brings it up, or lead in to get a removal only when the plaintiff says clearly that it is only about books that   is named as one of the defendants. If the plaintiff could be led to state that, then a possible move for removal could be attempted.

EXHIBIT 6 PAGE 10-2

[illegible]

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF MULTNOMAH

JULIE CHRISTOFFERSON TITCHBOURNE, Plaintiff, vs. CHURCH OF SCIENTOLOGY, MISSION OF DAVIS, a nonprofit California corporation doing business in Oregon; CHURCH OF SCIENTOLOGY OF CALIFORNIA, a California corporation, doing business in Oregon; and L. RON HUBBARD, Defendants.	No. A7704-05184 AFFIDAVIT OF GERALD ARMSTRONG

STATE OF OREGON)
) ss.
County of Multnomah)

I, GERALD ARMSTRONG, being first duly sworn, depose and say that:

I was in Scientology from 1969 to 1981. During several long periods in the 1970's I had direct contact with L. Ron Hubbard and from 1979 through December 12, 1981, I worked directly for L. Ron Hubbard in his personal office.

I am very familiar with the steps taken by Mr. Hubbard and the Scientology organization to keep his whereabouts and the fact of his control of Scientology a secret. I am also knowledgeable of Mr. Hubbard's absolute control and the means by which he effected it. In 1980, I saw and was briefed on orders from Mr. Hubbard which showed his knowledge of the Christofferson case.

SUPP. AB.-90

I have reviewed the document entitled "Christo Final Handling Eval" attached hereto which was produced in the instant case by the Defendants. I am familiar with Scientology and Guardian's Office terms, positions and activities and am able to interpret the significance of this document for the Court.

This document is a Guardian Programme Order (GPGMO), an order for Guardian's Office staff with various specific targets which must be carried out. The GPGMO is in the form of an Eval, an evaluation or data analysis, which finds a "why" or reason for a problem and seeks to correct the problem with the specific assigned targets. This GPGMO would have been issued in late 1981 since it refers to Charles Parselle as being the Ex Deputy Guardian for Legal at World Wide (E DGL WW). Mr. Parselle was removed as DGL WW in the Summer of 1981.

There are various references to "Senior Advices" or "R Advices" throughout this GPGMO. These terms were used in the Guardian's Office and in all the top management units of Scientology from 1978 onwards for "LRH Orders", orders from L. Ron Hubbard. The reason for this was to cover up the fact that Mr. Hubbard was issuing orders into the GO or Scientology. The specific orders from Mr. Hubbard referred to in this GPGMO are:

EXHIBIT 6 PAGE 104

A. File a Counterclaim on Julie Christofferson;

B. Bring criminal charges against the litigants;

.. C. Launch criminal proceedings against the investigators and perpetuators;

D. Disprove the false testimony and including false PL's (Hubbard's Policy Letters); and

E. Take legal action against Judge Jones for his making a mockery of the trial, including criminal proceedings as his actions are assumedly based in actual crimes.

A through E above were ordered by L. Ron Hubbard in August/September, 1979. They are again ordered in late 1981, as laid out in pages 6-8 of the GPGMO. These targets are given to All Clear IC US for execution. Mission All Clear was the title given to the unit which had the responsibility, as ordered by Mr. Hubbard, of resolving all his legal problems to the point where it was "all clear" for him to come out of hiding.

The following list of terms included in this GPGMO are defined in order to assist the Court in understanding this document:

HCO P/L's	-	L. Ron Hubbard's Policy Letters
HCO B's	-	L. Ron Hubbard's Technical Bulletins
Comm Ev	-	A Scientology internal justice/ disciplinary body
Watch Dog Committee	-	The secret group of top Commodore's messengers who ran Scientology, answerable only to L. Ron Hubbard

232

. . .

SUPP. AB.-92

Founder/ Commodore	L. Ron Hubbard
Q & A	"Question and Answer". Non-compliance with an Order
B1	Bureau One of the Guardian's Office. The Intelligence Bureau, responsible for covert actions against people viewed as enemies
CP	Charles Parselle
GAS	Guardian Activities Scientologist. A covert operative for the Guardian Office, not formally posted in the GO
R	L. Ron Hubbard
OM	Omitted. Eg. OM Counter Attack - Omitted Counter Attack, a counter attack which should have occurred but did not. (The notations like OM Hardling, Added Time, Wrong Target, etc. under the Data Section of the GPGMO are called "Outpoints". They are also called "illogics" in the Scientology logic system. They are errors or things which should not be there. The person or unit responsible for the error is noted to the right of the outpoint. Eg. Ex DG L WW is Charles Parselle).
CI	Counter-Intention. Doing something other than what was ordered. In this case, Charles Parselle was CI to the LRH order to gather up evidence of crimes by the litigants, and was thus removed from his post.
WHY	What caused the problem.
Ethics Why	The "crime" or violation which supposedly underlies the problem. In this case, Charles Parselle had

failed to utilize and implement the the LRH orders regarding getting the litigants (Christofferson and the attorneys) thrown in jail.

Gerald

Gerald Armstrong

SUBSCRIBED AND SWORN to before me this 8th day of March, 1985.

Notary Public for Oregon
My Commission Expires: 1-22-88

SUPP. AB.-94

Info

WDC Chief

GUARDIAN PROGRAMME ORDER

GPGHO

PTL AU 81

CHRISTO FINAL HANDLING EVAL

POLICY

Senior advices on Christo.

Nothing in this eval may be interpreted to violate or alter or change HCO PL's or HCOB's. Anyone executing a target in this eval in such a way as to violate or alter any HCO PL or HCOB will be actionable by Comm Ev. Any recommendation in this eval or change or policy or tech must be cleared by the Watch Dog Committee (WDC) before being placed in the eval as a target and resulting PL or Bulletin must be reviewed by the Founder personally. All data or handlings where they refer to policy or bulletins must give the policy or bulletin number and its location and text verbatim.

SITUATION

Senior advices on Christo have not been carried out while our legal actions have merely amounted to a shuffle with no win, no prosecutions.

STATS

No Counter Claim ever filed on Julie Christofferson.

No Criminal charges ever brought against litigants.

No criminal proceedings launched against the instigators and perpetuators.

No handlings ever done to disprove false testimony and including false PL's.

No legal handling ever taken against Judge Jones and his actions to make a mockery of this trial (which are assuredly based in actual crimes).

[All the above were ordered by Senior Advices issued August/September 79.]

EXHIBIT 10 PAGE 108

235

EX. B

Endless Q&A between 81 and Legal over what is needed to bring criminal charges.

The original Christo Eval (on the loss) was done by C.P. in August 79 and was actually not approved. (Point G insufficiently broad sit.)

The Bright Idea of that was "revised" 14.10.79.

The Bright Idea was "re-revised" 11.11.79.

Christo Suit was re-programmed (not off an eval) in June 80 and this called for setting up GASes, paying the attorney, Q&A over if we had or could even get enough data on filing criminal charges.

January 81 Opening Appeal Brief was filed by us and virtually is devoid of any attack lines, while McMurry's response is 234 pages, replete with attack lines on us.

Christo was re-eval'd again recently by CP who did not and would not use R advices. This resulted in a failed mission, cross orders, CP's disapproval of a suit that would counter the Christo attack (and was based on R advices).

DATA

Christo suit was originally filed in 1976 based upon spurious charges and viscious attacks upon Scientology, its tech and policy (essentiably putting Scientology on trial as a fraudulent organization, which is forbidden by the 1st Amendment of the Constitution). No counter claim was filed. The basic strategy was to assert the 1st Amendment protections (which is defensive). From 1976 to 1979 this suit remained in neglect (with USGO Legal directed onto criminal matters after the 1977 raid as a higher priority action (which again was defensive).

ON COUNTER ATTACK	LEGAL US/LEGAL WW
ON HANDLING	LEGAL US/LEGAL WW
ADDED TIME	LEGAL US/LEGAL WW
WRONG TARGETS (2)	EX DG & WW.(CP)

We lost the Christo case in August 79 with a trial that was a mockery, with tainted jury members, a Judge who based his opinions on data he obviously obtained outside the courtroom, false testimony and known evidence sufficient to support a mis-trial.

[illegible]

CP's ordered handling of this was to defend the Constitutional Rights of other religions. This is a Legal Shuffle. This Eval's bright idea was not approved and rather than re-evalling CP issued another "Bright Idea" which was basically attempting to employ positioning tech, targeting the opposition attorney's words and legal tactics. This is another Legal Shuffle.

This "bright idea" was obviously also not bright enough as it was again revised. Charles added the R advice; on getting litigants under criminal charges before the Appeal to his already existing, incorrect bright idea. The eval was never redone correctly to actually encompass the broad situations that the Advices point out (such as "false testimony exists among Legal Ranks and courts in courts including false FL's).

OM OFFENSIVE TO OBVIOUS CRIMES	EX DG L WW CP
WRONG TARGET	EX DG L WW CP
WRONG SOURCE	EX DG L WW CP
OMITTED CONFRONTING AND HANDLING OF CRIMINAL ELEMENTS	EX DG L WW CP
WRONG SOURCE (3)	EX DG L WW CP
OMITTED EVAL	EX DG L WW CP

After the trial, but before the decision on the Motion Notwithstanding Judgment, the Judge appeared on radio with Peter Rudie, one of the opposition attorneys wherein they spewed entheta on "cults." No legal action was taken on the Judge, such as an ethics complaint, criminal charges, mis-trial or a demand for his immediate removal from the case.

OM OFFENSIVE	EX DG L WW

BI was to gather up evidence of crimes by litigants and others per the advices given. Ex DG L was CI to this, stating at the time that BI did not know what legal wanted, and could not come up with useable evidence. In actual fact, BI did come up with useable evidence two years ago. This was not used for criminal complaints, but was used to file a civil suit against Christo's mother, the deprogrammers. This did not name Christo and is not a Counter Attack.

FALSEHOOD	EX DG L WW CP
WRONG TARGET	EX DG L WW and LEGAL US
ADDED TIME	L WW/L US
OM COUNTER ATTACK	L US

237

SUPP. AB.-97

[redacted]

In early 1981 B1 collected up further data as per the advices, including letters from deprogrammer Alma Hall to the criminal psychotic Tom Seville which show crimes were committed and show further strings to pull for further, more serious crimes. B1 analysed this data and packaged it recommending a criminal action and counter offensive suit which could become a counter claim (in the event of re-trial). This was entirely programmed out. CP nixed the Counter Offensive, favoring instead a Jury Misconduct suit which is not a counter suit, has minimal viability, but is offensive. Charles thought the purpose of filing such a suit was to get publicity, before the appeal (not to win it). But the advices are to get JAIL sentences before the appeal.

CORRECT TARGET	B1 (M.V.)
WRONG SOURCE	CP
WRONG TARGET	CP

Charles nixed this Offensive Suit on his way to Portland on a Christo Mission. This Mission was called from off an Eval that Charles did (following his removal from post by Comm Ev). This eval came up once again with a situation that was insufficiently broad, did not use the R advices, and once again gave the legal shuffle. His why was that the GASes in Portland were not hatted on attack and so he set out to "hat" them. This hatting did not include all the R advices (and in fact only one GAS saw some of them). CP, who later wrote up 19 pages of disagreements with the R advices, "qualled" the GASes hatting on attacks and refused his Man Ops order to incorporate the R advices and launch a proper offensive, nattered to the CO Portland staff about having been removed and getting his issues cancelled. In actual fact, Charles sabotaged the actual preparation of the Appeal and the Appeal drafts just turned in by these GASes are an overt product.

WRONG SOURCE (3)	CP
WRONG TARGETS (3)	CP

The WW staff, US staff and Portland staff were all of the assumption that Charles ethics were handled. The matter of how Charles got through SB WW Qual and Ethics lines is covered already by the second Comm Ev on CP. His mission second (Jere Matlock) returned from this Mission wanting to leave staff and is still on Ethics lines.

OM PERCEPTION	Those WW/US/Portland staff concerned

OUTPOINT COUNT

OMITTED)
WRONG TARGET) Are the major outpoints.
WRONG SOURCE)

The majority are assigned to ex-OGL WW, CP.

WHY

The obvious offensive data needed to start criminal proceedings moving and win this case has never been utilized.

ETHICS WHY

ACTIVE AND HIDDEN AND CONTINUAL STOPS ON UTILIZATION AND IMPLEMENTATION OF R ADVICES.

WHO

CP, Ex-OG L WW

IDEAL SCENE

CRIMINAL PROCEEDINGS LAUNCHED AGAINST THE INSTIGATORS AND PERPETUATORS AND CASE WON.

HANDLING

BRIGHT IDEA

USE THE BRIGHT IDEAS ALREADY GIVEN US VIA ADVICES AND GET THESE DONE, NO Q&A, WITH CRIMINAL PROCEEDINGS UNDERWAY AND CASE WON.

RESOURCES

ADVICES

B1 DATA AND ANALYSIS PREVIOUSLY DONE

M.V. WHO IS NOW LEGAL US STAFF AND KNOWS AND USES ADVICES.

CORRECT CHANNELS ON WHICH TO ROUTE EVIDENCES OF CRIMINAL ACTIVITIES AND CONCLUSION.

SUPP. AB.-99

-6-

PLAN

1. Immediately file Criminal Informations with Portland AUSA and simultaneously with DOJ Civil Rights Board in DC.

2. Get the extension already filed on the Appeal Brief Date.

3. Get the Appeal Brief qualling and needed re-write into the hands of MV and get this produced from R advices.

4. Get the Offensive Suit approved, PR flanking worked out and rapidly filed in Portland for a hard hit against Christo and her cohorts.

5. Push through the Criminal complaints until the product is obtained. This is done in liaison with B1's current Mission to Portland that will dig up more dirt, feed it to PR and Legal and fully expose the collusion and crimes.

6. Demand that PR tries this suit in the Press loudly and exploiting every Legal offensive and win.

7. Get the Appeal Brief filed.

8. Handle the Portland attorney (he most likely has false data and overts since CP's Mission). If he does not handle rapidly - like in an hour from time handling begins - fire him and get someone who has never lost a case.

9. Via WUS Asst. get the Portland staff cleaned up fast with Ethics/Qual handlings on the False Data from CP. Meanwhile by-pass these and their CASes until Danger handled.

10. Do likewise with Legal US staff.

11. Get the criminal proceedings carried out and the Appeal filed and pushed to the win.

PROGRAMME:

1. Immediately get the B1 data utilized via Criminal Information complaints: a. One filed with AUSA in Portland in person and ensure the data arrived into the proper hands with impingement. b. Letter off to DOP, DC.

✓ ALL CLEAR IC US

240

EXHIBIT 6 PAGE 113

SUPP. AB.-100

[illegible]

2. The Appeal Brief filing has been requested to be extended. Get this extension.X

✓ ALL CLEAR IC US

3. Get the Offensive Suit filed, with a big PR flank.

ALL CLEAR IC US

4. From the current Bl Mission, get the data on further string pulls and more serious crimes brought directly to legal, fed into our now filed complaints and pushed into the hands of terminals in DOJ and AUSA who will prosecute the guilty terminals.

ALL CLEAR IC US

5. Ensure Bl data on JR Jones is used to the hilt as we want criminal proceedings against this judge as well and prior to the Appeal being filed.

? ALL CLEAR IC US

6. Get Attorney Merten to LA as rapidly as can be and get him cleaned up and onto SR advices and firmly on staff and not half way on staff. If he does not immediately come around, fire him and get someone who is with us.

✓ ALL CLEAR IC US

7. Conditional: Get the new attorney briefed, onto the advices and winning with an offensive.

ALL CLEAR IC US

SUPP. AB.-101

[redacted]

8. Work out via Attorney Morten, solutions to beefing up this Christo Barratry suit (the civil suit filed in lieu of a counter claim). Get it beefed up and on the offensive.

ALL CLEAR IC US

9. Keep the heat on the DOJ complaint to DOJ. (DC will have to be briefed on this matter and be able to debug on the spot and assist in getting the product we want.) Keep the pressure on this via a PR flank that makes a stink.

ALL CLEAR IC US

10. PR will have to try these cases (civil and criminal) in the press and very, very loudly. If Portland press won't carry, get a media that will carry. Use DC PR to make them make a national issue.

DC PR US

11. Get criminal proceedings and get charges brought.

ALL CLEAR IC US

12. Get the Appeal Brief in, heard and a win on this.

ALL CLEAR IC US

13. Get all named sits as outlined in advices assigned and evalled. Legal will do "False testimony and false PL's" eval.

AVU

14. Four final targets.

SUPP. AB.-102

17 November 1979

G Pgm O 4115-2
Sup: MPC 66

JULIE'S BACKGROUND
(REF: GPGMO 4115)

INFORMATION: G Pgm O 4115 lays out broad steps to be taken to document that the people involved in the Christo case are criminals with criminal backgrounds and criminal records and that they engaged in a criminal conspiracy to defraud the organization under the guise of "home and mother". Julie appears to be pure as the driven snow, so considerable background data on her is needed to give us direction in locating the real facts of interest about her.

MAJOR TARGET: The criminal~~background~~, drug history, record of arrests, former employment, perversions of Julie, fully known and documented, as needed.

PRIMARY TARGETS:
1. Somebody there: West Sec BI US.
2. Worthwhile purpose: To provide evidence of Julie's criminal nature and background.
3. Somebody taking responsibility for the area or action:
WEST SEC BI US, BI Programmes.
4. Form of the Org Planned Well: West Sec to locate a writer in
4. Form of the Org Planned Well: West Sec to locate a writer in
LA or Portland who is interested inwriting a book on Julie.
This writer is already at least somewhat established - he has
written at least one or two articles, papers or books. CO is
either West Sec or or AGI Portland. Daily report line set up,
and phone calls every two days. WEST SEC BIUS ____________
5. Form of the org held or reestablished: GAS run with tight
SC, and Daily reports READ DAILY, with no BI's shrugged off.
WEST SEC BIUS ____________

6. Org operating: Programme begun on receipt as highest priorit

VITAL TARGETS:
1. Security course data FULLY applied to GAS. WEST SEC ______
2. Finances arranged immediately so they are there when GAS
WEST SEC BIUS ____________
ready.
3. GAS gets agreement in writing that his product is of intere
to a publisher. (No formal contract needed.) WEST SEC ________
4. Julie interviewed first. very lightly. Let her know pro-
Julie book being written with lots of human interest and theta
about her and entheta on nasty C of S. WEST SEC ____________

243

EXHIBIT 6 PAGE 1116
C

SUPP. AB.-103

OPERATING TARGETS:

LIBBY/EUREKA, MONTANA

From 1967 to 1978, the Halls lived in Eureka at which time they moved to Libby, where they currently reside. Thus, most data of interest on Julie would be in Eureka as she attended fourth grade through high school there.

1. Go to the Lincoln County High School and meet the person in charge of students. Get a list of people to interview who would know the most about Julie. Get a letter of introduction from him.

WEST SEC BIUS ______________

2. Ensure Julie's pastor, friends, classmates, boyfriends are gotten.

WEST SEC BIUS ______________

(Note - although targets are assigned to West Sec, they are done by whomever is assigned to them by West Sec.)

SUPP. AB.-104

3. Locate and interview Julie's pastor. Find out any involvement of him in the suit, any data he has on Julie's conduct pre-Scientology, leads from him on who else to talk to. Get all the data he has on her background and related subjects.

WEST SEC BIUS ______________

4. Conduct as many other interviews as possible. Include her former employers, classmates, Lutheran Church youth groupclass-mates, teachers and find her boyfriends to get all data about her early promiscuity and sexual conduct.(Session data indicates she had been concerned in the past [redacted]

WEST SEC BIUS ______________

5. List out all strings which have surfaced and pull those which are in this location.

WEST SEC BIUS ______________

5. Get affidavits wherever possible; but only on data which fits the major target.

WEST SEC BIUS ______________

6. Contact Phil and Farrel LeClaire and interview them for data and otherleads to people unfriendly to Julie.

WEST SEC BIUS ______________

7. Get any private investigator reports Phil has gotten from the PI he hired awhile ago to determine if any data is of interest regards Julie.

WEST SEC BIUS ______________

8. C/S Phil on the PI cycle if it looks fruitful and usable.

WEST SEC BIUS ______________

9. From above targets, list out further strings which will lead to discreditable data including the following (if not already gotten):
   a. Trips made by Julie C.
   b. Why Julie came to Portland to "get away from boy friends"
   c. When Julie hooked up with Bob Titchbourne (reported to be Setp. 77)
   d. Why Julie was married outside of her church
   e. any arrest records of Julie

WEST SEC BIUS ______________

10. Pull these strings and affidavit or document as possible, data of interest.

WEST SEC BIUS ______________

11. Locate the father of Mike _____; who claims Mike went to the mental hospital due to Pat Osler giving him hack. This Mike was supposedly friends with Osler and Julie.

WEST SEC BIUS ______________

12. Interview him for any discreditables on Julie C. Get affis and leads to others with discreditable data.

WEST SEC BIUS ______________

13. Interview Julie's employer in Kalispell Montana and any fellow employees for data and discreditables. Get affidavits as possible or documentation.

WEST SEC BIUS ______________

14. Interview Julie's physician in Whitefish, Montana, for any psychiatric connections, promiscuity, etc. Document and/or affidavit as possible.

WEST SEC B1US ____________

15. Review all data gathered in the Montana area and ensure all possible strings have been pulled and documented.

WEST SEC B1US ____________

BONNERS FERRY, IDAHO:

Julie was born here 14 August, 1957, and lived here until she was about 4 or 5 years old.

16. CANCELLED

EUGENE, PHILOMATH, SWEET HOME, OREGON:

The Halls lived in Sweet Home from 1963-73: Robert Lothrud and his
wife (he's Alma's son) live currently 30 miles away in Philomath.
Lothruds were in comm and exchanged visits with Julie about once
a month while she was in Scientology. Father Kent Burtner has done
ARM work in Sweet Home. About 40 miles south of Philomath is
Eugene, where Burtner was until his transfer to New Mexico.

17. Locate where the Halls lived while they were in Sweet Home.

WEST SEC B1US ____________

18. Interview neighbors for data and leads to others in town who would know more about Julie's later life.

WEST SEC B1US ____________

19. Find the Lutheran Church which Julie supposedly attended and interview the pastor there for any data.

WEST SEC B1US ____________

20. Find someone who was close to Burtner and interview them for any data of interest of Burtner's contact with any of the people in this case, particularly Julie..

WEST SEC B1US ____________

21. Interview the Lothruds for any data of interest regarding
Julie's early days. Do they have any data regarding Julie's step-
father making advances to her when she was about 5 years old?
Do they have any data regarding Alma leaving Julie with "other
people" when she went to Europe rather than with the step-father
because of what people might think? (Session data)

WEST SEC B1US ____________

22. Pull any remaining strings and get affidavits/documentation where possible.

WEST SEC B1US ____________

PORTLAND AREA:

.246

23. Interview neighbors and residents of the house Julie first lived in when she moved to Portland. Get discreditable data and affidavits as possible (1035 S.E. Bodwell.)

WEST SEC B1US done

SUPP. AB.-106

-4-

24. Julie said she went to the Lutheran Church on 10th or 12th Street a few times. Interview the pastor there and see if he remembers her. Get what data would be useable plus any discreditable data and affidavit.

WEST SEC BIUS done

25. Julie moved from Robin Jones' house on Bodwell on July 30 to an apartment with Linda Shelly. Ensure Jones and Shelly are interviewed suitably and affidavit as possible any useful data.

WEST SEC BIUS Jones done

26. Julie worked at the Heathman House while on ethics lines. Interview her boss and fellow employees for data on her and any discreditable data. Affidavit as possible.

WEST SEC BIUS

27. The day Julie's pastor brought 5-6 high school students to Portland to see Concordia College, Julie met them for lunch and drove back to Montana with them. This was the start of her deprogramming. Check at the college for students from the Libby area. Interview them from a position of altitude and get any discreditable data or leads they might have. Affidavit any useful data.

WEST SEC BIUS

28. It must be determined how Julie did get the job at Tom Saville's company. Did he know her family?

WEST SEC BIUS done

29. Interview company employees of Saville's company, Northwest Detailing Service for data on Julie and Saville's relationship. Affidavit any useful data.

WEST SEC BIUS

30. Saville reportedly told Julie that the Comm Course was making her worse, not better. Get contrary data on Julie affidavited by employees.

WEST SEC BIUS

31. Find out why Saville and Julie maintained a comm line after she left his employ.

WEST SEC BIUS

32. Find out why Saville threw two parties for Julie who was only working there for two months. (In September, 1975, he gave her a going-away party after all her complaints about what a rotten person he was).

WEST SEC BIUS

33. Interview Mrs. Saville suitably for any information on Julie of use. Does she knew how Julie got her job at Saville's firm? Was there 2D going on between Saville and Julie or Julie and anyone else?

[illegible] question done

WEST SEC BIUS [illegible] done

34. In Julie's 1975 income tax filing, she made no mention of her earnings from Northwest Detailers. Did Saville have her on the books or not? What was her salary, bonuses?

247

WEST SEC BIUS done

35. Get access to any Northwest Detailing records on Julie and get any pertinent data from the records. ~~[illegible]~~

WEST SEC BIUS done

SUPP. AB.-107

36. Get a list of all the Scientology staff and public who knew Julie. Have each interviewed from a prepared list of questions an pull all strings. Find out everything they know about Julie with emphasis on discreditables and/or criminal activities and/or perversions.

WEST SEC BTUS ____________

37. Ensure Jessica Marks is interviewed for all her data and leads to others who could give data.

WEST SEC BTUS dne

38. Review all data collected and list out any remaining strings.

WEST SEC BTUS ____________

39. Get these strings pulled and all useful affidavits collected.

WEST SEC BTUS ____________

PRODUCTION TARGETS TO BE SET ON INDIVIDUAL MISSIONS ORDERS.

248

EXHIBIT 6 PAGE 121

6371

SUPP. AB.-108

Gpgm O 4115-4 GUARDIAN PROGRAMME ORDER 26.11.79

SUPE: MACAN

REF: GPGM O 4115

ALMA'S BACKGROUND

INFORMATION: GPGM O 4115, CHRISTOFFERSON SUIT PLAN, lays out the broad steps which must be taken to document that the people involved in this case are criminals with criminal backgrounds and criminal records and that they engaged in a criminal conspiracy to defraud the organization under the guise of "home and mother".

Plan Step 1 orders that the criminal background, drug history, record of arrests, former employment and perversions of those involved be found and documented, including Alma Hall.

As investigations will need to be done for Julie Titchbourne's background and Alma Hall's background in the same areas, care should be taken to get these investigations dove-tailed so as to avoid duplicative work and avoid any possible double restimulation of local folks. It must also be noted that the Plan states "If it is not possible for BI CASes to provide legally useable data then private investigators may need to be employed and financial arrangements made - but whatever the case is, the data is to be gotten very rapidly in fully useabl form".

MAJOR TARGET:

The criminal background, drug history, record of arrests, former employment, perversions of Alma Hall known and documented.

PRIMARY TARGETS:
1. SUPERIOR THEME: WEST SEC BIUS

2. WORTHWHILE PURPOSE: Evidence obtained on Alma's background showing her criminality.

WEST SEC BIUS ____________

3. SENIOR TAKING RESPONSIBILITY FOR THE AREA: WEST SEC BIUS, BI [illegible] PROD OFF US, [illegible]

4. FORM OF ORG PLANNED WELL: See G Pgm O 4115-2 Julie's Background. The operating targets in this programme will be done using the same set-up.

5. FORM OF ORG HELD OR REESTABLISHED: See G Pgm O 4115 - 2.

6. ORG OPERATING: See G Pgm O 4115 - 2.

VITAL TARGET:

This programme is to be done together with G Pgm O 4115-2, Julie's background, by the same suitable G.L.

WEST SEC BIUS ____________

OPERATING TARGETS:

249

EXHIBIT 6 PAGE 122

BONNERS FERRY, IDAHO:

Alma apparently moved to Bonners Ferry from Spokane, Washington, after World War II. She and her new husband, Andrew Christofferson, a carpenter, moved here. She worked as a secretary in the Welfare Office, holding this job for [illegible] she worked for the First National Bank married within a year. She married Mervin V. Hall, her present husband. They lived in Bonners Ferry for about a year, 1961 to 1962, when they moved to Yellowtail Dam, Montana. In 1963, the Halls moved to Sweet Home, Oregon, where Alma worked as a bank teller, then, in 1966, they moved to Eureka, Montana where they stayed until 1978.

Chances are that relatives of Alma's three husbands are still in this area (Lethrud, Christofferson and Hall), so all possible leads should be followed to locate and interview these people. Alma still has contacts in these areas as she has called there and visited from time to time.

1. Locate and interview the following for data on Alma's criminality, drug history (if any), record of arrests, former employment, perversions: (NB: all the following people may not have data on each of these points, so get whatever data can be gotten without freezing up the comm lines)

a. relatives of Alma's former husbands (those who dislike her, preferably).

b. Andrew Christofferson himself.

c. Former neighbors of Alma's

d. Employer and people who worked with Alma at Kelson Lumber Company from 1949 to 1951.

e. Check with local police to ascertain any arrests records, etc.

f. Check the court house, criminal dockets, for any records of Al.

g. Per data of Julie's there was a time when Al was planning to go to Europe and preferred to leave Julie with "other people" than Mervin Hall because of what people might think. Julie stated in session that Mervin "put his hands on her" when she was about 5 years old (circa 1962). Is anything known about why Al felt like this, i.e. did she know about any of her husband's perversions yet cover them up, disregarding her own children's welfa

h. Did Al go to Europe and if so, how was this afforded and why did she go?

i. Pull any other strings that crop up which will get data and documentation of the points in this target.

WEST SEC BTUS ______________

SWEET HOME, OREGON:

The Halls lived in Sweet Home, Oregon, from 1963 to 1966 and Al worked as a teller in a bank there. Al's son, Robert Lethrud, and his wife live about 30 miles away in Philomath.

2. Locate and interview the following for any data on Al's criminal background, drug history, record of arrests, former employment, perversions (NB: not all people will have data on each point but get whatever each gives you and go for documentation where at all possible):

a. Former neighbors

b. Employer and fellow workers in the bank (if still around)

c. local Lutheran church's pastor

d. local police and court house for any arrest records, etc.

e. any leads given out by these people.

250

SUPP. AB.-110

(LIBBY/EUREKA, MONTANA AREA:

From 1967 to 1978, the Halls lived in Eureka, Montana, after which time, they moved to Libby, where they currently live. Thus, most data of interest on AH may be here. A previous mission to Libby found it tough going due to the smallness of the community and short comm lines. This must be taken into consideration so all necessary strings do get pulled without alarming any of the local folks.

3. Contact Phil and Farrel LaClaire and interview them for data and leads to people unfriendly to AH.

WEST SEC B1US ____________

4. Interview the LaClaires for data on Farrel's cousin who was sent to a mental hospital due to suppression from Alma and bad business deals with them which reportedly cost $28,000. Get full affidavits from them on AH's criminality.

WEST SEC B1US ____________

5. Make arrangements to interview the husband of this cousin for his data on the sc one and get affidavits from him on AH's criminality.

WEST SEC B1US ____________

6. Get any reports which Phil LaClaire may have gotten from the private investigator he hired and see where this cycle stands regarding AH's shady business deals.

WEST SEC B1US ____________

7. C/S Phil on the private investigator cycle if it looks fruitful and of use to you.

WEST SEC B1US ____________

8. Interview the names gotten in target 3 for data on AH's criminal background, drug history, record of arrests, former employment, perversions and get affidavits wherever possible. Also get any leads from these people to others who would likely have more data.

WEST SEC B1US ____________

9. Check the court house - criminal docket - for any records of arrests of AH.

WEST SEC B1US ____________

10. Check suitably with local police re any data they may have on AH's record or criminal background.

WEST SEC B1US ____________

11. Talk with the local Lutheran pastor about AH and see what he has to say that would be of interest to you.

WEST SEC B1US ____________

EXHIBIT 10 PAGE 34

12. AH's financial status must be determined. There are several contrary facts regarding the Halls' financial standings over the years which need to get sorted out as it is this area which may lend itself to more crimes, etc. (In about 1975, Julie reported that AH and husband were hard-pressed for money and don't want her to do Scientology as they won't get Social Security benefits for her unless she goes to college. In 1975, also, AH gives Ted Patrick $2,000 for the failed deprogramming of Julie. In about January, 1978, AH was not "hard-pressed" for money. During the court case in 1979, AH says she "may not have" reported the fee she received for a deprogramming done in Pennsylvania ($450). Attorney Powers says the fees for the case so far, as of July 1979, are $135,522. In March 1978, AH said the Marks case against her would cost a lot of money and she had a lot of attention on it. Her husband had retired but he had to go back to work because they needed the money to fight the suit. Undated and unverified report was that she had probably misappropriated funds from a trust fund which she administers and she and her husband bilked about $28,000 out of the LaClairs in a business deal.).

251

WEST SEC B1US ____________

SUPP. AB.-111

13. A CAS is checking the phone numbers called by Ali which she has claimed as deprogramming expenses. Get this completed and check these numbers for leads to interview others.

WEST SEC BIIS ________________

14. As this data comes in, ensure the strings are fully pulled, the needed documentation and affidaviting is done and Legal is given all data which is useful to them.

WEST SEC BIUS - ________________

15. Ensure this data gets filed according to (3Y7D 4115-1.

CIC SEC BIIS ________________

PRODUCTION TARGETS TO BE SET ON MISSION ORGS IN CONJUNCTION WITH JULIE POH

252

SUPP. AB.-112

The intention is to see these people in prison or out on bail at the time of the appeal.

It is certain that in other deprogrammings the deprogrammers named below have participated in any damages or monies or awards resulting from their deprogramming. It would be almost impossible for this not to have occurred. It will be used as conclusive evidence that they are in the business to make money and to shake people down!!

B1 WW need to liaise with Legal throughout to ensure data gotten is legally useable and what is wanted. If it is not possible for B1 CASes to provide legally useable data then private investigators may need to be employed and financial arrangements made - but whatever the case is, the data is to be gotten very rapidly in fully useable form.

1. The criminal background, drug history, record of arrests, former employment, perversions of: a) Ted Patrick; 2) Reid Keller; 3) Pastor Gary Burke; 4) Alma Hall; and 5) Julie Hall, AKA Julie Christofferson, AKA Julie Titchbourne. (Programme is to be done for each).

DG I US
US Sec B1 WW

2. The establishment and documentation of any and all connections between Alma Hall or Julie Hall and one or all the names above, a) currently, and b) pri to July 13, 1975. (Programme to be done).

DG I US
US Sec B1 WW

3. Obtain all evidences of implantation, hypnotism or coercion or compulsion of the above named person in other sectors to establish that they are capable of using hypnotism and implantation to effect the execution of their desires. (Programme to be done).

DG I US
US Sec B1 WW

SUPP. AB.-113

4. Establish any and all agreements of participation in suit awards amongst any of the above named persons. (Project to be done).

DG I US
US Sec B1 WW

5. All this evidence is to be assembled with an eye to establishing that Julie Hall was probably a drug addict, probably has a large and extensive criminal background and record and has been party to other collusions and swindles or crimes or felonies possibly from her earliest history. (Programme to be done).

DG I US
LR WW, AGL DC
US Sec B1 WW

6. We also want the similar background obtained on Alma Hall. (Programme to be done).

DG I US
LR WW, AGLDC
US Sec B1 WW

6377

8401 5241

CONTOS & BUNCH

LAWYERS

[illegible] TOPANGA CANYON BOULEVARD
SUITE 400
WOODLAND HILLS, CALIFORNIA 91367-[illegible]
(818) 716-0400

MANUFACTURERS BANK BUILDING
1301 DOVE STREET
PENTHOUSE
NEWPORT BEACH, CALIFORNIA 92660-[illegible]
(714) 752-[illegible]

November 9, 1984

REPLY TO: Woodland Hills

John G. Peterson
PETERSON & BRYNAN
Suite 407
8530 Wilshire Boulevard
Beverly Hills, CA 90211

Charlotte Ashmun
OVERLAND, BERKE, WESLEY, GITS,
RANDOLPH & LEVANAS
Suite 300
10951 West Pico Boulevard
Los Angeles, CA 90064

Re: Church of Scientology of California v.
Armstrong, Case No. C 420 153

Dear Mr. Peterson and Ms. Ashmun:

I have been advised by my client, Gerald Armstrong, that an olive-colored briefcase was taken from the locked trunk of his car on November 8, 1984, sometime between the hours of 2:30 and 3:30 p.m. At that time, Mr. Armstrong's car was parked in the underground garage of the Los Angeles Mall. The briefcase contained an original handwritten manuscript and artwork of approximately 350 pages, as well as a number of other papers. The manuscript is comprised of a series of letters written to L. Ron Hubbard in care of the law firm of Lenske, Lenske, Heller and Magasin. The letters were written on Old Country Tree Bond, 100% cotton fibre paper.

The manuscript has inestimable value to Mr. Armstrong. Its loss has placed him in shock and emotional upheaval.

Just prior to his arrival at the Los Angeles Mall, Mr. Armstrong was followed by three individuals, one of whom he recognized as a member of your client. The three individuals drove up alongside Mr. Armstrong at the Vermont offramp of the Hollywood Freeway and took photographs of him

255

as he sat in his car. This occurred at approximately 2:15 p.m. on November 8, 1984.

This letter will serve as a demand for the return of Mr. Armstrong's briefcase, manuscript and papers and will further serve as a request that the photographs and negatives taken of Mr. Armstrong be sent to me.

Very truly yours,

CONTOS & BUNCH

JULIA DRAGOJEVIC

JD:lh

cc: Larry Heller - Lenske, Lenske, Heller & Magasin
Gerald Armstrong ✓

JD1:19

PETERSON & BRYNAN
ATTORNEYS AT LAW
8530 WILSHIRE BOULEVARD, SUITE 407
BEVERLY HILLS, CALIFORNIA 90211
(213) 659-0665

JOHN G. PETERSON
M. JEFFREY BRYNAN

November 30, 1984

Julia Dragojevic, Esq.
Contos & Bunch
5855 Topanga Canyon Blvd.
Suite 400
Woodland Hills, CA 91367

Re: CSC v. Armstrong

Dear Ms. Dragojevic,

I am in receipt of your letter dated November 8, 1984 regarding your client's alleged missing briefcase. I do not understand why you wrote to me. My client has no knowledge regarding this alleged stolen briefcase and documents. Isn't it ironic that Gerry, found to be a thief of documents, now has the audacity to intimate that my client might be involved in a theft of his documents?

It appears that Gerry was visiting the FBI or IRS. Since they are well known for their "break-ins," black-bag jobs" and other such activities, maybe you should write them one of your insipid letters. They were thought to be breaking into autos at the Church and of Church members earlier this year. When this was brought to their attention the auto "break-ins" stopped immediately.

I find your letter disturbing. I had hoped that there was someone at your office who had the good sense not to believe every ridiculous and unsupported and weird claim dreamed up by Gerry or Mike Flynn. It seems as if I was wrong and there is no rational clear thinking point of control. It reminds me of the saying about "the inmates are running the asylum."

I suppose if Gerry goes down to Wimpy Burger and gets ptomaine, you will write us a letter accusing us of poisoning him. I hope Gerry has good tires on his car; heaven forbid he should get a flat tire or you will write another letter claiming harassment. Paranoia seems to know no bounds. Gimme a break! Be serious and get professional. By the way, did he file a police report? If so, either provide me a copy or let me know where it was filed.

If Gerry is so "terrified" by the Church, why was he cruising around the Church? Is he harassing the Church?

257

EXHIBIT 10 PAGE 130

Page Two of Two

In the future, do not bother me with these insane unsupported accusations unless you have some reasonable basis or some facts.

Sincerely,

John Peterson

John G. Peterson

JGP:mfh

258

6381

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF LOS ANGELES
SPECIAL INVESTIGATIONS DIVISION
18000 CRIMINAL COURTS BUILDING
210 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012 -3275
(213) 974-7437

IRA REINER, DISTRICT ATTORNEY

April 25, 1986

Rev. Ken Hoden
Rev. Kathleen Gorgon
Rev. Heber Jentzsch
Mr. John Peterson
Mr. David Butterworth
Church of Scientology
1301 N. Catalina
Los Angeles, California 90012

Gentlemen:

In re S.I.D. CASE NO. C85-0054

In your letters dated May 1 and July 19, 1985, you asked that this office investigate your allegations that:

1. Chief Daryl Gates of the Los Angeles Police Department, Agents Al Lipkin and Al Ristuccia of the Internal Revenue Service, Gerald Armstrong, and Michael Flynn have committed the crime of conspiracy to obstruct justice.

2. Internal Revenue Service Agents Al Lipkin and Al Ristuccia additionally "aided and directed" the commission by Gerald Armstrong of violations of Penal Code Sections 182 (Conspiracy), 134 (Preparing False Evidence), and 653f (Solicitation of the commission of certain crimes).

3. Gerald Armstrong additionally prepared false documentary evidence in violation of Penal Code Section 134; committed extortion in violation of Penal Code Section 518; and solicited commission of the crimes of burglary, receiving stolen property, and forgery, in violation of Penal Code Section 653f.

259

EXHIBIT 6 PAGE 132

4. Michael Flynn additionally aided Gerald Armstrong in his violations of Penal Code Section 182, conspiracy, and Penal Code Section 653f, solicitation of burglary, receiving stolen property, and forgery.

Following his receipt of your letters, Steven A. Sowders, Head of the Special Investigations Division, met personally with Rev. Jentzsch and Rev. Hoden to discuss your complaint. I have since reviewed the voluminous materials you submitted in support of your charges, and I have spoken at length on the telephone and in person with church members John Peterson and David Butterworth. In our several conversations, I informed both Mr. Butterworth and Mr. Peterson that in order intelligently to evaluate the Church of Scientology's allegations, I would need further information. In addition to the documents already provided, I asked them to provide me with:

(1) A complete description of the events to which the submittec documents relate, including:
  (a) the time, date, and place of each event;
  (b) the names of all persons present;
  (c) the circumstances in which the event occurred;
  (d) the name of each speaker and identifying information about him.

(2) A description of the manner in which the recording or other source information was obtained.

(3) A statement from the person who obtained the recording or other data, identifying him, describing the manner in whicb he obtained it, and setting forth the manner in which he could authenticate any recording and any transcript involve

(4) An explanation of the relevance of the conversations and other materials cited to the allegations of criminal conduc

I further requested that they furnish any other evidence they might have in support of the Church of Scientology's allegation I particularly requested documentation setting forth the specif facts in support of the allegations recited above. I asked tha they provide the date, time, and place of each alleged event, a the name, address, and telephone number of each witness.

In response, I received from Mr. John Peterson a letter dated September 27, 1985, which letter I discussed on October 3, 1985, with Mr. Butterworth. Thereafter, following many attempts on my part to schedule a meeting with either Mr. Peterson or Mr. Butterworth or both of them, on December 10, 1985, they came to my office and conferred with Investigator Alan Tomich and me.

In that meeting, I reiterated my need to know the date, time, and place of each alleged event, and the name, address, and telephone number of each witness. I further asked whether the Church of Scientology had any additional evidence in support of its allegations. Messrs. Peterson and Butterworth responded that they had submitted to this office all the evidence that they had.

I explained to them that, in order to decide whether a prosecutable crime had been committed, we had to interview those persons who had observed the events that were alleged to constitute the criminal conduct; and that in order to interview those persons we needed to know who they were and where we could find them. In response, Mr. Peterson repeated the suggestion he made in his letter of September 27, 1985, that we interview Eugene Ingram, who had videotaped certain events which, Mr. Peterson said, were the basis of his allegations. He declinec however, to identify, beyond the name "Joey," the persons other than Gerald Armstrong who appear on the tapes.

It was my understanding that Messrs. Peterson and Butterworth intended to review the matter and that they would subsequently forward the requested witness information to me. Their response was a letter dated December 15, 1985, which contained a witness list comprised of the names of the persons the Church of Scientology has accused plus another I.R.S. agent and two police officers. He furnished no further information.

I responded to Mr. Peterson in a letter dated January 16, 1986, in which I summarized our December 10 meeting. In it, I also asked Mr. Peterson to permit Investigator Tomich to interview Mr. Eugene Ingram (whom Mr. Peterson, as an attorney, apparently represents), and I again requested that Mr. Peterson supply us with the information outlined above.

In response, I received from Mr. Peterson a letter dated March 18, 1986. In it, he denied that he and Mr. Butterworth had intended, after the December 10 meeting, to provide further information, and he declared that we had received all the data he felt we needed.

It appears, then, that no further evidence in support of your allegations is forthcoming; and based on Mr. Peterson's statement on December 10, 1985, that I had understood and accurately summarized the evidence the Church of Scientology had submitted, it appears that the assertions of fact described below constitute in its entirety the evidence in support of your allegations of criminal conduct.

Allegation 1:

That Chief Daryl Gates conspired to obstruct justice.

Evidence:

The allegation of "planting a 'wire tap' on Michael Flynn" was referred to Chief Gates[1] by Assistant City Attorney Lewis N. Unger on April 17, 1985.[2] On April 23, 1985, Chief Gates publicly rebuked Officer Phillip Rodriguez and Investigator Eugene Ingram for video taping Gerald Armstrong. Within hours, Investigators Lipkin and Ristuccia were seen, apparently by Rev. Heber Jentzch,[3] leaving Parker Center. There has allegedly been no effort to do anything about "Mr. Armstrong's crimes."[4] Chief Gates also initiated an investigation "into the police officer and private investigator" (July 19 letter, p. 6).

Allegation 2:

That Internal Revenue Service Agents Al Lipkin and Al Ristuccia conspired with Gates, Armstrong, and Flynn to obstruct justice and that they "aided and directed" Gerald Armstrong in the commission of violations of Penal Code Sections 182, 134, and 653

Evidence:

John G. Peterson declared under penalty of perjury[5] that "Armstrong showed he was being used by the Internal Revenue Service to gather information." In support of that declaration, Mr. Peterson included "excerpts from the videotape" which indicated that "GA" mentioned Al Ristuccia and gave Al Lipkin's telephone number to "J".

262

Agents Lipkin and Ristuccia visited Officer Phillip Rodriguez and allegedly attempted to "strong arm" him. Agents Lipkin and Ristuccia stated that, on April 18, 1985, they interviewed Rodriguez, who admitted signing an authorization letter. The agents considered Rodriguez evasive and sought police assistance in obtaining his cooperation. The agents were seen leaving Parker Center on April 23, 1985.[6]

Armstrong told "J" that he had told Lipkin some people might want to talk to him,[7] and that he had told Lipkin to go after Peterson.

Allegation 3:

That Gerald Armstrong conspired with Michael Flynnn, Daryl Gates, Al Lipkin, and Al Ristuccia to obstruct justice; prepared false documentary evidence; committed extortion; and solicited the commission of the crimes of burglary (Penal Code Section 459), receiving stolen property (Penal Code Section 496), and forgery (Penal Code Section 470), in violation of Penal Code Section 653f.

Evidence:

John Peterson declared that Armstrong conspired with a "church... staff member," was "used by...the Internal Revenue Service to gather information," "explained to the conspirators plans for attacking the church...and...Hubbard," and had a videotaped conversation with "J" which demonstrates his involvement with the government.[9]

"GA" told "J" to type the completed staff work on the policy and bring it in, that "issues can be created," but he was "not really saying create incrimination (sic) evidence...but just to write about the speculation." He also said, "They can never tell where the issue came from." He wanted the lawsuits to end so that he could get his "global settlement."[10]

Armstrong told "J" about a "good-looker" named Carol. He said "the way to the man's mind is through his cock" and "that's definitely the way to get to the top." He wrote a note which reads in part, "Establish available route for holding the cock of someone in ASI/WDC/etc."[11]

Armstrong allegedly wrote and handed over to someone on November 9, 1984, a "shopping list" of information which he asked a "church member to purloin." "GA" told "J" "something should be done so that they can capitalize on getting stuff...into writing and...unstabilizing the whole PI, attorney apparatus." He asked if "J" could get money to Peterson and told "J" to check the finance records. He said, "if we can get anything on Ingram (or) Peterson (or) finance records (or) other PI's (or) operation 'X'..., it's all vital."

Armstrong asked for specifics on payments to Ingram, and told "J" he should find what payments went to attorneys.

The handwritten list read in part, "1. Plan on Van Schaick...4. Anything on Hubbard or Don/ 5. Anything on upcoming legal battle... 8. Get me an original of an LRH Ed (current) or other issue type which could be from Hubbard. 8a. Same for WDC. Create one, get it distributed and get an assessment. Any partial that gives UP or ORG."[12]

He also told "J" he had given one "fanatic" document "to the Feds" and was giving them another.[13]

Armstrong told "J" on November 9, 1984, that he could type "things and duplicate them and make them look exactly the same" and that "we could set up a press and...produce issues...." He thought, "shouldn't I get some I HELP materials (?)". He wanted to know "how they're run off, what the type face is like..., - because we can simply create these;... - I can create documents with relative ease...."

"J" suggested changing some documents. "GA" responded that "a lot of things can be done", but he did not propose to "be stuffing things into their comm basket." He later commented that something could be pasted and photocopied.[14]

Allegation 4:

That Michael Flynn conspired to obstruct justice, and aided Gerald Armstrong in the crimes of conspiracy (Penal Code Section 182) and solicitation of burglary, receiving stolen property, and forgery (Penal Code Section 653f).

Evidence:

In April, 1985, Flynn contacted the United States Attorney in Boston, the Internal Revenue Service, and the Los Angeles Police Department. Flynn's attorney, Raul Martinez then made allegedly false accusations of wire tapping.

Flynn told the Los Angeles Police Department that "Cooley" had had a video recording and a letter signed by Officer Rodriguez authorizing such a recording. By letter, Attorney Raul Martinez, representing Mr. Flynn, asked the City Attorney to investigate.[15] The City Attorney forwarded the letter to Chief Gates.

John Peterson declared under penalty of perjury that evidence indicated that Michael Flynn was directing Gerald Armstrong in order to steal documents, plot forgeries, steal legal strategies, implement a plot to seduce and blackmail a Scientologist, and conspire to suborn perjury.[16]

The "Van Schaick" case, referred to in Armstrong's "shopping list", was settled by Attorney Flynn.[17]

* * *

As Mr. Peterson has noted, I have spent a considerable amount of time reviewing and comprehending the materials you have submitted to this office. For the reasons set forth below, I do not find that those materials contain sufficient evidence of the commission of any of the alleged crimes to justify the further investigation of those allegations.

At the outset, I should like to point out the following regarding Mr. Peterson's letter dated September 27, 1985 and my subsequent communications with him. 1) Mr. Peterson told me that "the interviews took place in Griffith Park during... November, 1984." He has not otherwise responded to my request for a complete description of the events to which the documents related, including times, dates, places, names, circumstances, and identifying information. (See Request #1, above.)

2) Mr. Peterson told me that "tapes are not in dispute" and that details of the taping should be sought from Gene Ingram.

But when Investigator Tomich sought to follow his advice, Mr. Peterson asserted he was Mr. Ingram's attorney, and he refused to permit Investigator Tomich to interview him.

In his letter of March 18, 1986, Mr. Peterson refused further to respond to my requests for a description of the manner in which recordings and other source information were obtained; and for a statement from the person who obtained the information (some of it apparently recorded, some of it apparently from other sources) identifying that person and describing the acquisition of the information, documents, or tape, and the manner in which it could be authenticated (proved to be what it purports to be). (See Requests Nos. 2 and 3, above.)

3) He submitted "data on the background of Jerry Armstrong" and the other documents referred to in the footnotes to this letter, in which he highlighted those portions he considered relevant to the allegations. He has not otherwise explained the relevance of the submitted materials to the allegations of criminal conduct. (See Request #4, above.)

4) He told me that the individuals speaking on the video tapes are "responsible witnesses who can be produced if necessary." Beyond submitting a list of the names of the persons you have accused and three of their associates, he has not otherwise responded to my requests that he document the specific facts which prove the commission of the crimes alleged, including the particular details about each event and the names, addresses, and telephone numbers of the witnesses (See the paragraph following request #4, above).

* * *

A conspiracy to obstruct justice is an agreement between two or more persons to do an act or omit to do an act, as the result of which justice or the due administration of the laws is obstructed or perverted. To convict a person of that crime the prosecution must prove that he made such an agreement with the specific intent to commit or omit the necessary act and that, while he was a member of the conspiracy, he or a co-conspirator committed an overt act in furtherance of the object within the prosecuting jurisdiction (in our case, Los Angeles County).

266

Assuming that the factual allegations are true, and that Daryl Gates did receive from Michael Flynn a wiretapping complaint; did rebuke Officer Rodriguez and Investigator Ingram; and did initiate an investigation into possible criminal conduct by Rodriguez and Ingram; that Gerald Armstrong did have the above-described conversations with "Joey"[18] about Al Lipkin and Al Ristuccia; that Lipkin and Ristuccia did interview Rodriguez, did consider him evasive, did seek Los Angeles Police Department assistance in obtaining Rodriguez's cooperation, and did visit Parker Center on April 23, 1985; that Armstrong told "Joey" to type staff work in order to create issues and that he did all the other things alleged (talked to "Joey" about "Carol," told "Joey" that "they" should destablilize the "PI, attorney apparatus," told "Joey" to check financial records, wrote and delivered the "shopping list," and gave documents "to the Feds") and that Michael Flynn both personally and through his attorney contacted the United States Attorney, the Internal Revenue Service, and the Los Angeles Police Department to complain about the tape recording, the actions of Officer Rodriguez, and other matters; and that he settled the "Van Schaick" case; we are unable to find in any of those allegations any evidence which would support an allegation that Chief Gates, Agent Lipkin, Agent Ristuccia, Mr. Armstrong, or Attorney Flynn agreed with anyone to commit or omit any act which might pervert or obstruct justice or the due administration of the laws.

No factual details (time, place circumstances, names of witnesses, etc.) have been submitted to support many of the conclusions that have been alleged. Thus there is no evidence that "there has been no effort to do anything about" crimes allegedly committed by Mr. Armstrong; that the Internal Revenue Service Agents attempted to "strongarm" Officer Rodriguez; that Mr. Armstrong conspired with a church staff member and explained to the conspirators his plans for attacking the church and Mr. Hubbard; that Mr. Armstrong wrote a "shopping list" of information and asked someone to "purloin" it; or that Michael Flynn made false accusations of wiretapping.

Therefore, the evidence of which we have been apprised of a conspiracy to obstruct justice is insufficient to warrant further investigation by this office.

To convict a person of the crime of preparation of false documentary evidence, the prosecution must prove that he in fact made the document, that it was false, and that he intended it to be produced as true for a deceitful purpose in a proceeding authorized by law.

Even assuming that it can be proved by competent, admissible evidence that Gerald Armstrong told "Joey" to type staff work and that "issues can be created," that "they can never tell where the issue came from," and that he wanted the lawsuits to end so that he could get his "global settlement"; that Armstrong wrote and gave to someone the "shopping list"; that he told "Joey" he wanted to get "stuff...into writing" and to "unstabliz(e)" the "apparatus"; that he said getting records was "vital"; that he said he could type and duplicate things and create documents and set up a press and produce issues, that he wanted to know about a type face, that a lot of things could be done and that something could be pasted and photocopied; none of this, taken alone, constitutes evidence that Mr. Armstrong in fact created a single false document or that he intended that such a document be produced for any purpose in any legal proceeding

Further, in the documents submitted to us, Mr. Armstrong is quoted as stating that he was not advocating the creation of incriminating evidence and that he did not propose to "be stuffing things into their comm baskets."

We are aware of no other evidence which might lend criminal significance to the statements of Mr. Armstrong. We can find, therefore, no basis for a further investigation of the allegation that Penal Code Section 134 has been violated.

Extortion (Penal Code Section 518) is the obtaining of property from another with his consent, induced by a wrongful use of force or fear. The fear may be induced by a threat to injure a person or property, or to accuse the victim or a relative of crime, or to impute to any of them a deformity, disgrace, or crime, or to expose a secret affecting any of them. Penal Code Section 524 makes it a felony to attempt to commit extortion.

Assuming that it can be proved that Gerald Armstrong expressed the views alleged regarding the "way to the man's mind" and that he wrote the note referring to "ASI" and "WDC", that does not appear to us to be evidence that he or anyone obtained or attempted to obtain property from anyone by means of any threat. We therefore find no basis for further investigation of the allegation that Gerald Armstrong committed extortion.

The solicitation of another person to commit or join in the commission of burglary, receiving stolen property, or forgery is a felony, the proof of whose commission requires the testimony of two witnesses or of one witness plus evidence of corroborating circumstances. To convict a person of solicitation, the prosecution must prove that he asked another person to commit a crime with the specific intent that it be committed.

The solicitation of burglary requires a request that one enter a building or other specific place (See Penal Code Section 459) intending to commit larceny or a felony; the solicitation of receiving stolen property requires a request that one receive property that one knows has been stolen; the solicitation of forgery, a request that one, with the intent to defraud, sign without authority another's name or counterfeit his handwriting, or make any of the false documents specified in Penal Code Section 470, or knowingly utter such falsified document, signature, or handwriting.

Assuming that the allegations are true that Gerald Armstrong told "Joey" to type staff work, that "issues can be created." that "something should be done so that they can capitalize on getting stuff...into writing," that "if we can get anything on Ingram (or) Peterson (or) finance records..., it's all vital," and that "Joey" should find what payments went to attorneys; and, further assuming it to be true that Armstrong gave "Joey" a list which specified "plan" or "anything" "on" certain matters and stated "get me an original...issue type"; that he told "Joey" he had given and would give documents "to the Feds," that he could duplicate things and create documents, and that something could be pasted and photocopied; these allegations nonetheless do not constitute evidence that Mr. Armstrong, with the requisite intent, asked anyone to commit the crime of burglary, receiving stolen property, or forgery. We therefore find no basis for further investigation of the allegation that Gerald Armstrong violated Penal Code section 653f.

A person aids and abets the commission of a crime if, with knowledge of the perpetrator's unlawful purpose and with the intent to encourage or facilitate the commission of the crime, he aids, promotes, or instigates its commission.

269

The documents submitted to us indicate that Gerald Armstrong gave "Joey" Al Lipkin's telephone number, that he told "Joey" that he had told Lipkin some people might want to talk to him, that he told "Joey" that he had told Lipkin to go after Peterson, and that he mentioned Al Ristuccia to "Joey". The allegations regarding Michael Flynn are described above.

None of those allegations is itself evidence of any unlawful connection between those men and Mr. Armstrong. Further, since we have been presented with no significant evidence of any unlawful conduct on the part of Mr. Armstrong, we do not find that there is sufficient evidence to warrant further investigation of the allegations that Al Lipkin, Al Ristuccia, or Michael Flynn aided and abetted the commission of any crime.

In addition to the lack of evidence set forth above, it must also be noted that, lacking knowledge of the manner in which the video tape recordings were obtained, we do not know whether their acquisition violated either United States or California law. If it violated federal law, material thus acquired even if relevant - which it does not appear to be - might be inadmissible in evidence.

For all of the reasons described above, we have concluded that there is no evidence in support of the allegations of criminal conduct on the part of Daryl Gates, Al Lipkin, Al Ristuccia, Gerald Armstrong, and Michael Flynn. Accordingly, we shall take no further action in this matter, and our file is closed.

Very truly yours,

IRA REINER
District Attorney

CURT LIVESAY
Assistant District Attorney

By Robert N Jorgensen
ROBERT N. JORGENSEN
Deputy District Attorney

jeb

c: Chief Daryl Gates, L.A.P.D.
Ron Townsend, I.R.S.
Al Lipkin, I.R.S.
Al Ristuccia, I.R.S.
Gerald Armstrong
Michael Flynn

270

FOOTNOTES

1. This is set forth in a document entitled "6. Obstruction of Justice".
2. See Exhibit 7 attached to "6. Obstruction of Justice."
3. See Exhibit 11 attached to "6. Obstruction of Justice."
4. See Number 1, above.
5. See document entitled "5. Conspiracy."
6. See Number 1, above.
7. See document entitled "2. Soliciting... ."
8. See document entitled "1. Soliciting... ."
9. See Number 5, above.
10. See document entitled "4. Preparation of False Documentary Evidence."
11. See document entitled "3. Extortion."
12. See document entitled "1. Soliciting... ."
13. See Exhibit 1 page 16.
14. See document entitled "2. Soliciting... ."
15. See Number 1, above.
16. See Number 5, above.
17. See Number 8, above.
18. During our December 10 meeting, Messrs. Peterson and Butterworth identified "J" as "Joey".

CERTIFIED COPY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

CHURCH OF SCIENTOLOGY OF CALIFORNIA, INC., a California Corporation, Plaintiff, vs. DAVID JORDAN, LAW OFFICES OF EBERLE & JORDAN, DOES 1 through 10, inclusive, Defendants.	)	No. C 538 049

DEPOSITION OF CYNTHIA MORROW, a witness herein, taken by the Defendants David Jordan and Law Offices of Eberle & Jordan, at 201 Santa Monica Boulevard, Santa Monica, California, at 9:30 a.m., Tuesday, October 29, 1985, before Andrea P. Jeanmenne, CSR 6397, RPR, CP and Notary Public.

INDEX

Hutchings Number: OLA-5656-85

[illegible] CYNTH[illegible] MOR[illegible]

[illegible]ATION BY: [illegible]

EXHIBIT 6 PAGE 145

RENDEL B HUTCHINGS CSR 649
Certified Shorthand Reporters
[illegible] Los Angeles California [illegible]

LOS ANGELES
(213) 223-1191

SAN CLEMENTE
(714) 972-9109

SANTA ANA
(714) 972-9109

SAN DIEGO
(619) 268-8246

SAN BERNARDINO
(714) 381-3846

272

SANTA MONICA
(213) 223-1191

[illegible] — REGISTERED PROFESSIONAL REPORTERS [illegible] your best recollection and a wild guess?

A. Yes.

Q. Okay.

Do you know of any reason why you cannot give your best testimony today?

A. No.

Q. Have you taken anything of an alcoholic nature during the past 12 hours?

A. No.

Q. Are you currently taking any medication prescribed by a doctor?

A. No.

Q. Have you taken anything of a narcotic or medication during the past 12 hours?

A. No.

Q. Do you have any questions before we begin?

A. No.

Q. Before coming here today, did you have an opportunity to speak to Mr. Peterson or an attorney with the church regarding the deposition procedure?

A. Yes.

Q. Do you feel comfortable with proceeding at this time?

A. Yes.

Q. My understanding is that you have been designated by the church as a managing agent of the Church of Scientology of California. Is that also your understanding?

A. Yes.

Q. Do you presently have an official title in the church? When I say "church," I am referring to only the Church of Scientology of California, not to any other church. Do you understand that?

A. Yes.

Q. Do you hold any titles in the Church of Scientology of California?

A. Corporate titles?

Q. Any title whatsoever?

A. I hold the legal division secretary title.

Q. Legal division secretary?

A. Uh-huh.

Q. Is that "Yes"?

A. Yes.

Q. A few other ground rules. The court reporter can only take down the spoken word. She cannot take down nods of the head, "Uh-huh," "Huh-uh," mutterings. So as the deposition progresses and you get tired and I get tired, if I ask you to speak audibly, don't be offended. I am just reminding you that we have to have a record and the court reporter has to have a verbal response. Okay?

A. Okay.

Q. So your title is legal division secretary?

A. Yes.

Q. How long have you had that title?

A. Since the end of May.

Q. 1985?

A. Yes.

6397

CERTIFIED COPY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

CHURCH OF SCIENTOLOGY OF CALIFORNIA, INC., a California Corporation, Plaintiff, vs. DAVID JORDAN, etc., et al., Defendants.	)	No. C 538 049

VOLUME II

DEPOSITION OF CYNTHIA MORROW, a witness herein, taken by defendants, at 201 Santa Monica Boulevard, Santa Monica, California, at 10:00 a.m., Wednesday, October 30, 1985, before Andrea P. Jeanmenne, CSR 6397, RPR, CP and Notary Public.

Hutchings Number LA-5701-85

RENDEL B HUTCHINGS CSR 649
Certified Shorthand Reporters
[illegible]

EXHIBIT 6 PAGE 148

LOS ANGELES (213) 223-1191
SAN CLEMENTE (714) 972-9109
SANTA ANA (714) 972-9109
SAN DIEGO (619) 268-8246
SAN BERNARDINO (714) 381-3846
SANTA MONICA (213) 223-1191

277

Q. Who held that position in 1974?

A. Well, that refers to the LRH Communicator Continental. There would only have been one.

Q. Who would that have been in 1974?

A. I don't know.

Q. Below that it says, capital K, capital O, capital T, Continental Hats.

A. Yes, that is Keeper of Tech. Continental.

Q. Was that a business within CSC in 1974?

A. Yes.

Q. In 1974 how many organizations were there in CSC?

A. Service organizations that I am aware of, there was the Flag Service Organization, San Francisco, Los Angeles, ASHO, AO.

Q. Any other organizations?

A. Quite a few.

Q. What other organizations?

A. Continental Liaison Office, which at that time was known as FOLO. There was Continental Guardian's Office and several smaller Guardian's offices.

Q. Now, those would be referred to as nonservice organizations?

A. Yes.

Q. Okay.

What is, differentiates service organization from nonservice organization?

EXHIBIT 12 PAGE 149

A. A service organization deals with the general public.

Q. General public would be nonparishioners?

A. Correct -- no. No, parishioners.

Q. Service organization would deal with parishioners and nonservice organization would deal with general public?

A. No the nonservice organizations would either deal with the management of the churches or with the handling of finance, legal, public relations matters.

Q. Okay.

And how long was organizations that you referred to in 1974 stay a part of CSC?

A. Up until 1981.

Q. In 1981 what organizations were there in CSC?

A. Were in --

Q. How many organizations were there in CSC in 1981?

A. At the end of 1981?

Q. Right.

A. There was ASHO, AO, the CLO, the United States Guardian's office, the Commodore's Messenger Organization pack, and the Estates Organization.

Q. Estates?

A. Estates.

Q. What is that organization?

EXHIBIT 12 PAGE 150

A. It is currently called Pack Base Crew. At that time it was called the Cedars -- Well, it wasn't even called Cedars -- Well, yes, in '81, it was called the Cedars Estates

Service Organization.

Q. What did it do?

A. It services the staff that live at the church that services the buildings.

Q. What organizations presently exist in 1985 in CSC, as of today's date?

A. The Office of Special Affairs United States. That's all.

Q. That's the only organization that is left in CSC as of this date?

A. Correct.

Q. That has been true for the past 5 months?

A. Correct.

Q. Referring to Page E-2, it refers to administrative charge in making a claim.

Does that administrative charge apply to a refund claim as well as a repayment claim?

A. I believe so.

Q. And what is the administrative charge?

A. It was a small charge for the time spent on verifying a claim.

Q. At the present time if somebody wanted to seek return of donations which they made to -- Strike that.

Since ASHO was no longer part of CSC, if somebody had money on account at ASHO, as of 5 months ago, would that money be with CSC or would that money go to the Church of Scientology of Western United States?

A. CSC would handle any claim.

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF MULTNOMAH

JULIE CHRISTOFFERSON TITCHBOURNE,)
)
Plaintiff,)
)
vs.) No. A7704-05184
)
CHURCH OF SCIENTOLOGY, MISSION)
OF DAVIS, a non-profit California)
corporation, doing business in)
Oregon; CHURCH OF SCIENTOLOGY)
OF CALIFORNIA, a California)
corporation, doing business in)
Oregon; and L. RON HUBBARD,)
)
Defendants.)

EXCERPT OF PROCEEDINGS

Volume I - Pages 1935 to 2068
Testimony of William W. Franks

BE IT REMEMBERED that the above-entitled matter came on regularly for hearing before the Honorable Donald H. Londer, Judge of the Circuit Court of the County of Multnomah, State of Oregon, commencing at the hour of 9:30 a.m., on Tuesday, the 19th day of March, 1985.

BILL ELLIS & ASSOCIATES
Court Reporters
1001 S.W. Fifth Ave.
Portland, Oregon

279

he would take over all of the functions of running the Church. He would be the head of the church. And I was appointed to that post.

Q. Did your powers include all sections of the Church, all divisions of the Church?

A. Not immediately. There was resistance from the Guardian's Office for me taking that over even though he had instructed that I should take it over. But that was resolved in July of -- very early July, like July 3, 1981, when we took over the Guardian's Office.

Q. What was the first thing you did after becoming the Executive Director International?

A. I began to immediately get onto money as my major priority. Not only making money, but also making sure that we were investing. I personally was responsible for an account of about a hundred fifty million dollars, and that was called Sea Org Reserves, that was the title of that. And I was immediately -- The first thing I did was to draw up a program for investing those reserves in a way that we would make more money.

Q. With respect to the hundred and fifty million dollars, how did you determine that those were the Sea Org Reserves?

A. Well, that was what was allocated in that particular fund.

MR. COOLEY: On control?

THE COURT: Well, more so than the issue of control. It does have a bearing on control, yeah, some, but it tends to show the eventual flow of the money.

MR. COOLEY: This chart shows -- the flow chart has already been went over over my objection. We now have the income for one week, picked September of '82, every mission -- apparently every mission, I don't know, in the United States.

MR. WADE: It was western United States, only.

MR. COOLEY: All right. You are right. Western US. The western US and it has New West US Missions. He's now asked for the entire income figure on the theory that ten percent flows up to the Church of Scientology of California, as I understand it. I don't believe that that is admissible as additional evidence in view of what's already gone in. We have an estimate of the net worth of Church of Scientology of California already given by this witness, over my objection, at three hundred and forty million dollars. Now, it seems to me --

THE COURT: You have another defendant in

14

GREENBERG & JACKSON
AN ACCOUNTANCY CORPORATION
2950 LOS FELIZ BLVD., SUITE 103
LOS ANGELES, CA 90039
(213) 666-7700

James J. Jackson, C.P.A.
Sullivan F. Marsden, C.P.A.
Bradford N. Bernstein, C.P.A.

June 30, 1986

To the Board of Directors
Church of Scientology of California
Los Angeles, California 90027

We have compiled the accompanying balance sheet of the Church of Scientology of California as of April 30, 1986, in accordance with standards established by the American Institute of Certified Public Accountants.

A compilation is limited to presenting in the form of a financial statement information that is furnished by management. We have not audited or reviewed the accompanying financial statement and, accordingly, do not express an opinion or any other form of assurance on it.

As is described in Note 4 and Note 5 the Church has various gain and loss contingencies. It is not possible at this time to evaluate the possible effects of such contingencies on its financial position.

Greenberg & Jackson

CHURCH OF SCIENTOLOGY OF CALIFORNIA
BALANCE SHEET
As of April 30, 1986

ASSETS

CURRENT ASSETS		
Cash	$ 3,533,975	
Investments (at lower of cost or market) (Note 3)	8,734,188	
Mortgage Receivable (Note 1)	305,559	
Accrued Interest Receivable	32,043	
Total Current Assets		$ 12,605,765
OTHER ASSETS		
Mortgage Receivable (Note 1) (Note 4)	8,691,228	
Certificate of Deposit (Note 4)	2,500,000	
Notes receivable (Note 2)	966,576	
Accrued Interest Receivable	408,654	
Total Other Assets		12,566,458
TOTAL ASSETS		$ 25,172,223

Granberg & Jackson

CHURCH OF SCIENTOLOGY OF CALIFORNIA
BALANCE SHEET
As of April 30, 1986
(Continued)

LIABILITIES AND NET WORTH

CURRENT LIABILITIES		
Notes Payable (Note 3)	$ 4,916,639	
Accounts Payable	1,163,530	
Accrued Interest Payable	424,107	
Total Current Liabilities		$ 6,504,276
NET WORTH		18,667,947
TOTAL LIABILITIES AND NET WORTH		$ 25,172,223

CHURCH OF SCIENTOLOGY OF CALIFORNIA
NOTES TO FINANCIAL STATEMENT
As of April 30, 1986

Note 1 - Mortgage receivable

The mortgage receivable is secured by a building and land. Payments of $278,775.10 are due quarterly including interest at 10% per annum.

Note 2 - Notes receivable

The notes receivable are unsecured and bear interest at from 10% to 13% per annum. Included is a note receivable for $330,335 which is due December 1, 1987. The remaining notes receivable have no fixed maturity dates.

Note 3 - Notes payable

Notes payable at April 30, 1986 consist of:

Notes Payable - secured by investment in metals, interest payable at 1 1/2% above the prime rate two days prior to maturity. Each note matures 120 days from issuance.	$ 3,532,873
Notes Payable - unsecured, due within 1 year with interest payable at 10% per annum.	1,383,766
	$ 4,916,639

285

CHURCH OF SCIENTOLOGY OF CALIFORNIA
NOTES TO FINANCIAL STATEMENT
As of April 30, 1986
(Continued)

Note 4 - Loss Contingencies

The Internal Revenue Service and the Employment Development Department have made assertions that the Church of Scientology of California owes employment taxes, penalties, and interest of $4,445,454 for the years subsequent to 1975. Also, the Internal Revenue Service has assessed income taxes, penalties, and interest of $7,894,574 for the years 1973 and 1974. Payment of the income tax assessment is contingent on the result of pending litigation. The Church has pledged the land and building which secures the mortgage receivable and the Certificate of Deposit as collateral for possible payment of income taxes for 1973 and 1974. It is not possible at this time to evaluate the likelihood of the Internal Revenue Service and Employment Development Department prevailing in their claims.

Additionally, the Church is the defendant in certain litigation. It is not possible at this time to evaluate the likelihood of recovery against the Church in the litigation, nor the potential liability to the Church resulting from the claims asserted in the litigation.

Note 5 - Gain Contingencies

The Church is appealing the payment of $2,946,920 in income taxes, penalties, and interest to the Internal Revenue Service for the years 1970-1972. It is not possible at this time to evaluate the likelihood of the Church prevailing in its appeal.

Additionally, the Church is the plaintiff in certain litigation. It is not possible at this time to evaluate the likelihood of the Church prevailing in the litigation nor to estimate the amount of any possible recovery to be realized from this litigation.

Granberg & Jackson

286

HUBBARD COMMUNICATIONS OFFICE
Saint Hill Manor, East Grinstead, Sussex

HCO POLICY LETTER OF 1 MAY 1965
Issue II

Remimeo
Exec Hats
Comm Hats
D Insp & Rpts Hats

ORDER BOARD AND TIME MACHINE

Executives must have and use an "Order Board".

In Scientology if it is not written it is not true. That's a major policy.

It applies to all.

Every order an Executive issues must be in writing.

He does this on a Clip Board. There is a sheaf of paper on it of his Division's colour. It has a sheet of pencil carbon and a ball-point slipped through the top of the clip. It can have a hook on the back to slip on a belt for persons walking about. This is the Order Board.

Even when one gives a verbal order it is also written down.

The executive keeps no copies of his orders. This is done by the Department of Inspection and Reports.

The original is handed to the person being ordered. The other is sent to the Inspection section of the Department of Inspection and Reports. If one is away from his Comm station, the carbons are left on the Order Board until one returns, when the copies are all sent to Inspection.

COMMUNICATOR ACTION

The carbon of an order is sent to Inspection because it is obviously a carbon copy and an order. It is not otherwise designated.

An original sent through the Comm Lines is obviously an original order as it is not a carbon. It is simply delivered to the addressee's basket.

JUNIOR'S ACTION

The person receiving the order does it, says he has (or couldn't) on the original order he received and sends it TO INSPECTION. However even if he sends it to his issuing superior the Communicator sends it to Inspection only.

INSPECTION ACTION

Inspection has a Time Machine. This is a series of baskets advanced one basket every morning.

A carbon of an order is placed in today's basket.

When the original comes in, the carbon is dug out of the basket (by date and colour flash) and original and carbon are clipped together and routed to the issuing executive.

EXHIBIT 12 PAGE 160

Orders not complied with in one week of course fall off the Time Machine by appearing in the basket being emptied today. (It was filled one week ago and advanced

A copy is made of the order and it is sent to Ethics for filing in the staff member's Ethics folder and counts as a report against the staff member.

The carbon is returned to issuing Executive to show his order has not been complied with, so that he can handle the situation. No report from the Executive is required in this instance as a copy is already in Ethics.

The Executive should investigate or ask Ethics to do so if the matter is of considerable importance.

If an original is returned to Inspection which has no carbon, it is copied and held and the copy is sent to the Executive with a "Sir, there is a lost carbon of your order. Did you fail to turn one in?" This disciplines a forgetful executive. When Inspection receives the answer it attaches the original to it and sends it back to the Executive.

VERBAL ORDER

A junior may report a verbal order to Ethics as it places his statistics and job in danger by leaving it open to have it said the order was otherwise.

PROJECT ORDER

If something requires more than two weeks to do it is a *project* and cannot be ordered without clearance from the Office of LRH Design and Planning Authority section. If a project has been okayed it has a number and its number must be put on the order as Project Number –.

Inspections file projects in their own files. This is also Time Machined by one month's emptying of a file drawer or one year's emptying of a file drawer. Projects run only for one month or one year and must be routinely inspected by Inspections which then reports to the Office of LRH with any progress or lack of it.

URGENT ORDERS

Orders marked Urgent by an Executive are entered into a one day time machine and handled in one day as described above for one week.

L. RON HUBBARD

LRH:mh.rd
Copyright © 1965
by L. Ron Hubbard
ALL RIGHTS RESERVED

Plfs EXH 3 FOR ID
PAT AYERS, NP-CSR
DATE 4-24-90
WITNESS G. Armstrong
PAGE 1 OF 86

11-1-86

DECLARATION OF GERALD ARMSTRONG

I, Gerald Armstrong, declare:

1. I am making this declaration in support of an opposition to plaintiff organization's motion for summary adjudication.

2. The organization's motion deals with a serious issue, one which affects the life of potentially thousands of individuals, and one which has become for me emotionally devastating and mind-altering, in a manner which is illogical and perverse. The realization that the people behind this motion and behind all the pc file violations; that is, the attorneys and the few who control organization money, will stop at nothing, no lie, or perversion of reality, no act, to, as Hubbard ordered, ruin me utterly, has some time ago gone far beyond a passing thought.

3. Mr. Peterson's argument in the summary adjudication motion is that "by 1978 (I) knew, or reasonably should have known" about the violations of my pc files, and that because my cross-complaint was filed in September 1982, my causes of action for fraud, intentional infliction of emotional distress and breach of contract as they relate to the organization's violations of my pc files are barred by applicable statutes of limitation. Mr. Peterson twists what I knew in 1978 with what I knew in the fall of 1981 and what I learned subsequently. The

289

whole statute of limitations argument is rendered ludicrous, however, by the fact that the organization and its attorneys have continued both the fraud of promised sanctity of pc files and violation thereof right up to the present time. Attached hereto as Exhibit A is a copy of the organization's "objection to release of preclear files "dated July 3, 1986 filed with this Court. At p. 2 of this document, organization attorney Donald Randolph states: "only within the last few weeks have these files been copied, indexed and reviewed by counsel." Mr. Randolph included in the "objection" several pages of statements he gloats were culled from my pc files. I have blacked out these statements in the document copy attached.

4. Attached hereto as Exhibit B is a copy of a declaration dated December 18, 1983 which I wrote to support a motion to get my pc files delivered to me. At p. 8 I state, "I do not waive the (priest-penitent) privilege, and in fact I insist upon it." In a demonstration of the organizations's malevolent intent, Mr. Randolph asks this Court a p. 5 of the "objection" to "require Armstrong and his counsel to provide a waiver of the priest-penitent privilege." To veil the organization's antisocial acts with an illusion of legitimacy, Mr. Randolph states at p. 6 of the "objection" that if I even obtain copies of my pc files (part of which I do now have) the organization "will be forced against its wishes, to utilize the same documentation in its defense as evidence of Armstrong's character and perjurious statements." This is blackmail. And it is the clearest proof of the sanctity fraud, the

organization's actual policy regarding use of "confidential" pc file information against the pc, and the basic fraud of Hubbard and his creation.

5. Attached hereto as Exhibit C is a declaration dated July 14, 1985 written by Frank K. Flinn, B.D., Ph.D., the organization's "religious expert." This declaration was filed in this case along with the organization's "response," of July 30, 1985 to the Court's July 2, 1985 Discovery Order. At pp. 18-20, Dr. Flinn compares Scientology's policies and practices regarding the "sanctity" of pre-clear files with those of other "religions."

> "Another religious practice of the Church of Scientology which has come under scrutiny is the issue of the confidentiality exercised with respect to the auditing records of members and especially of the "pre-clear files" of upper-level church members. I find the practice of the Church of Scientology in this regard fully in keeping with the practices of other religions.
>
> In general, there are two fundamental reasons why churches, including the Church of Scientology, seek confidentiality with regard to unauthorized examination of spiritual records. The first is to preserve the sanctity of the spiritual privacy of the believer.
>
> ....

291

In regard to the first reason, the spiritual privacy ofthe believer, Scientology is like every religion known to me. The Roman Catholic Church protects the priest-penitent relationship with the severest of sanctions, including dismissal from priestly office and expulsion from the Church itself. Upon ordination priests take an oath of the "confessional seal" before they are allowed to hear the confession of sins and administer official spiritual counselling. My pastor, a Monsignor in the Roman Catholic Church, has testified to me that he would undergo imprisonment and death before revealing the contents of any confession, whether this revelation was demanded by the President of the United States or by the Pope of Rome.

....

Abuse of the archive and unauthorized divulging of information can bring severe penalties, including demotion from office, penances and even excommunication.

Most Protestant denominations have similar regulations and penalties in their respective church polities. Likewise Scientology has codes of conduct for auditors and other officials regarding authorized files. The Church does not allow any outsider access to a parishioner's files as a matter of priest-pentient privilege, as is the case with other churches. Confidentiality of this type of material touches on the nerve center of religion itself. The historical record

> shows that no church lightly suffers the intrusion into such records by the government or any other outside agency. The history of the Reign of Terror in France reveals the great number of priests who went to the guillotine rather than break the confessional seal."

Neither the President, the Pope, this Court nor anyone other than the organizations' leaders and attorneys ordered the violations of the "sanctity" of my pc files. These leaders and the attorneys reveal a radically different standard of conduct and ethics from that of the ministers of "other religions" who went to the guillotine rather than divulge the confessions of their preclears.

6. Attached hereto as Exhibit D is a declaration signed by Reverend Ken Hoden, "president" of one of the new "corporations" "divested" recently by the "California" organization. This declaration was also filed in this case with the "response" to the July 2, 1985 Discovery Order.

Mr. Hoden states at par. 3:

> "Materials and information stored or recorded within the confessional folders (PC folders) are confidential and privileged. Our religious doctrine prohibits any parishioner or person receiving pastoral counselling (auditing) from viewing the contents of their folders. Our religious doctrines also prohibit any external dissemination of preclear folders. Even our attorneys

are forbidden to review these folders. The only people who are allowed to view the pastoral counselling folders are authorized Church ministers.

Yet, my pc files were given to attorneys, culled and used against me. Mr. Randolph even defines the statements he culled from my "confidential" pc files "as admissions against Armstrong's interest." It is clear that the defense the organization's attorneys have desperately devised to their inhuman and criminal actions is the threatened divulgence of the materials culled from my pc files and my resultant hoped and worked for emotional disintegration. The filing of the culled statements "under seal" is a cheap attempt to give an appearance of morality to the organization's perfidious act. Dozens of organization attorneys, staff members, and attorney staff have seen the culled statements. They were placed in front of the Judge in this case, the individual who can most affect the outcome of this case and the rest of my life. Several of the incidents "culled" from my pc files as "admissions" never happened. Mr. Randolph and whoever helped him, in their ignorance of auditing and recklessness , have apparently culled imaginary "past life" incidents or have created the incidents out of whole cloth. For several other incidents, Mr. Randolph's interpretation is twisted beyond recognition. When he states at p. 2 that "the Church still maintains that the sanctity of the confessional must be placed above all other concerns," he lays to rest Mr. Peterson's statute of limitations argument because he shows that the fraud is continuing. The organization is still claiming out of one side of its mouth that the sanctity of pc files is its paramount concern while out the other side it spits its victims' innermost thoughts and secrets and when these treacherously obtained and used thoughts and secrets are not sufficiently juicy to achieve the organization's black PR ends, it has someone fabricate them.

7. At p. 8 of the summary adjudication motion Mr. Peterson states:

> "The only way Armstrong can avoid the bar of the statute of limitations is by proving that he did not and could not have discovered the events alleged in his Cross Complaint any earlier than he did."

As has already been shown the culling of my filed admitted to by the organization occurred in 1986 and I only learned of this fact in July this year, almost four years after the filing of the cross-complaint. Attached hereto as Exhibit E is a page from what the organization produced as my "B-1 time track." The entry at April 7, 1980 is taken from my pc files (in session). I only learned of this culling in March 1985 when the organization produced some B-1 materials in the Christofferson case in Oregon. Even using the organization's date for the culled incident of April 7, 1980, this is two years after the 1978 date Mr. Peterson would like the Court to use. And when I learned of this culling is two and half years after the filing of the cross-complaint. Attached hereto as Exhibit F is a document entitled "Gerry Armstrong Project" dated February 17, 1982. Step 2 reads:

"Go through his files and folders to extract the names

> of people who knew him and who are still well connected up and completely trustworthy. Interview these people to find out who Gerry's close friends were and to see if he had any relatives in this area (we could then follow up to see if he might be staying with them).

This is the use of my pc files for intelligence data to be used against me. Attached hereto as Exhibit G is a "daily report dated February 22, 1982, from Assistant Guardian for Intelligence (AGI), Brad Ballentine to his organizational seniors at GOUS. He states in the fourth paragraph:

> "SU (Special Unit, the name for the Gilman Hotspring compound) and Flag (the Clearwater, Florida base) have sent us all their files on him (Armstrong)."

"Us" is the GO intelligence bureau. I only learned of this transmission of my pc files to the organization's intelligence bureau and this use to which they were then put in March 1985, again two and half years after the filing of the cross-complaint. Attached hereto as Exhibit H is a declaration dated May 7, 1985 written by me in support of efforts to obtain my pc files from the organization, and prevent its continued violations of them. In paragraphs 5 through 9 I describe an organization intelligence operation involving the use of my pc files to entrap me. Much of the operation occurred in 1984, some six years after Mr. Peterson claims I should have known about it. I only became aware of the operation in April 1985 when organization attorneys used its product to attack me in the Christofferson case. It's perhaps unfortunate for the organization that it gave my pc files to the intelligence bureau for culling and intelligence purposes in 1982, used them to set up the illegal videotaping of me in 1984, and again culled my files to concoct the "objection to release of preclear files" in 1986, since in so doing it lost any shot it may have had at obtaining a summary adjudication based on the statutes of limitations. The organization's misfortune cannot begin, however, to compare with the pain and anguish it subjected me to with these acts. If the organization had acted decently, and not violated either overtly or covertly, my pc files, the situation today might be quite different.

8. Even without considering the pc file violations after I left the organization in 1981 or even back into the 1970's, the summary adjudication motion still falls because I had been rendered by the organization and Hubbard, until I began to come to my senses in late 1981, something different from "a reasonably prudent person." Mr. Peterson has selected statements from some of my response to interrogatories as "admissions against (my) own interest" to show that I learned of the culling in the 1970's while in the organization. From the same responses used by Mr. Peterson, attached to his motion as Exhibit A, I have excerpted the following three statements by me which show why a reasonably

////

prudent person perceiving the same tip of the pc file violation iceberg that I did in the 1970s would or should have feld in disgust and filed suit for the fraud and related crimes and torts, and why I could not.

> P.6 "In 1976 while locked up and guarded by the Guardian's Office on the orders of L. Ron Hubbard, I was told that my auditing reprts were being gone through by GO staff. Had I protested this action, I would have remained locked up indefinitely. I had no control of my preclear folders, nor any control of those who had access to them. My will was broken by this time, and I was effectively controlled and manipulated by L. Ron Hubbard and the organization.
>
> In 1976 through through December of 1977, I was assigned to and kept on the RPF by L. Ron Hubbard and those under his control. A system of control and deprivation was exerted over me throughout this period and a campaign of harassment and terror was directed against me and the RPF as ordered by Hubbard.
>
> ....
>
> P.9 "If I had known of the existence of this policy (GO 121669) and the practice of disclosure of "confidential" session information, I would never have become involved with Scientology. I was brought along as far as I went with the organization by the systematic trickery and manipulation by L. Ron Hubbard and the organization.
>
> ....

> P.23 "I spent from July 1, 1976 to December 1, 1977 on the RPF on Hubbard's order. I was humiliated, degraded, terrorized and defrauded by Hubbard during this period. I underwent tremendous emotional trauma and lost self respect and rationality.

The proof of the mind manipulation run by Hubbard and the organization is that I stayed so long after so much degradation and betrayal. Only in late 1981 when I spotted Hubbard as the source of the fraud and the organization's antisocial conduct, and after leaving the organization when the control mechanisms began to fall away,did I become aware of the criminal significance of pc file culling and the fraud which makes it possible.

9. Hubbard also used the auditing process itself, by which he claimed to be freeing people, to subtly program them to not even think a critical thought about the deplorable conditions in which they were kept, including a questioning of auditing or the pc file violations which might be observed or heard about. During any auditing session, if the preclear makes any critical comment, the auditor will immediately demand of the preclear any "overt", that is any misdeed, crime or intentionally harmful act, he has committed. In Hubbard's system, any criticism meant that the person making it had a hidden undisclosed crime. One of his bulletins, "Session Must-nots," attached hereto as Exhibit I, states this point:

> "When a pc is critical of the auditor, the organization or any of the many things in life, this is always a symptom of overts priorly committed by the pc.

299

> ....
>
> This is a sweeping fully embracive statement - and a true one. There are no criticisms in the absence of overts committed earlier by the pc.

Very soon after some auditing in the Sea Organization I learned that any criticism I hadmeant I had done something bad, and after a while I even was stopped from thinking any thought critical of Hubbard or the organization. In Hubbard's dictionary of Scientology terms, a "critical thought" in fact is defined as "a symptom of an overt act having been committed." The page from the dictionary is attached hereto as Exhibit J. This concept, although programmed into people in auditing, pervaded every part or aspect of the organization. So the criticisms of a staff member about Hubbard's or the GO's practices, and specifically pc file violations, were not listened to; rather he would be investigated or sec checked for his "crimes." By contrast, however, it could never be thought that Hubbard, who was constantly critical of doctors, judges, scientists, psychologists, government, teachers, and especially Scientologists and Sea Org members, had himself committed crimes or overts, because such a thought about him was clearly "critical." Thus he achieved almost absolute mind control.

10. Beginning at page 10 of the summary adjudication motion, Mr. Peterson makes a confusing argument that:

> "Armstrong is barred by Statute of Limitations from asserting Scientology's religious status, and auditing benefits as "misrepresentations" as Armstrong had a

300

duty to investigate these "facts" more than 3 years prior to date of cross-complaint.

Mr. Peterson further states at p. 14:

> "Clearly, if Armstrong is to be believed, he was aware of what he terms the scientific non-religious nature of Scientology no later than 1975.

How that helps the organization's position is baffling. It is the basis of the whole Hubbardian fraud. It was Hubbard's scientific guarantees for auditing and Scientology which were the lure into the organization. Even the promise of auditing confidentiality was given in scientific terms and differentiated from "religious confessions" which Hubbard claimed had degenerated into "a kind of blackmail." In his bulletin of January 21, 1960, attached hereto as Exhibit K he stated:

> "Some churches used a mechanism of confession. This was a limited effort to relieve a person of his overt acts. Later the mechanism of confession was employed as a kind of blackmail by which increased contribution could be obtained from the person confessing. Factually this is a limited mechanism to such an extent that it can be extremely dangerous. Religious confession does not carry with it any real stress of responsibility for the individual but on the contrary seeks to lay responsibility at the door of the Divinity -- a sort of blasphemy in itself. I have no axe to grind here with religion. Religion as religion is fairly natural. But psychotherapy must be in itself a completed fact or, as we all know, it can become a dangerous fact.

301

EXHIBIT 3 PAGE 13

Hubbard goes on in the same bulletin to ask auditors to "make your pc write these overts and withholds down and sign them and send them off to me." His motivation for this policy is not altruistic, and it only became clear to me in 1981.

The other part of Mr. Peterson's argument is that since I had some doubts in my early Scientology years I had a duty from that point to investigate. Mr. Peterson includes in the testimony from the trial in the underlying case, however, at p. 15 of the motion my statement of what happened when I did question the fact that the auditing I had had did not resolve what I considered the essential problem: "I was told after doing the auditing steps that that would only happen at Clear." And "clear" only happened around 1979, and that did not produce the promised results of auditing, but I was told these would happen at another "higher level" called OT III. In other words an aspect of the continuing fraud was bait and switch.

Attached hereto as Exhibit L is a policy written by Hubbard dated February 25, 1966 entitled Attacks on Scientology" wherein he orders:

> "NEVER agree to an investigation of Scientology. ONLY agree to an investigation of the attackers."

The investigation Mr. Peterson is seeking to convince the Court I had a duty to make was impossible. In fact I did something of an investigation in 1980 and 1981 when it was somewhat possible and the results of the investigation were a major factor in my leaving the organization and Hubbard.

11. Mr. Peterson claims at p. 16 of the motion that the intentional infliction of emotional distress cause of action is

barred by the statute of limitations in regards to the pc file violations since I was emotionally distressed in 1976 and 1977 while I was locked, in the RPF and generally being manipulated and degraded on a daily basis by the organization on Hubbard's orders. Mr. Peterson's argument is hollow since culling of my files occurred as well, as has been shown above, in the 1980s and as recently as July this year. The emotional distress I have experienced from the 1986 culling alone is beyond description. Mr. Peterson's argument that I am barred by the statute of limitations because of my knowledge in the 1970s that pc file culling occurred is like telling a victim of years of abuse that he or she cannot do anything about it because the abuse has gone on so long.

Interrogatory no. 16, the response to which Mr. Peterson has quoted from at p. 17, states:

> "With regard to the second cause of action of your first amended cross-complaint for damages for alleged intentional infliction of emotional distress against cross-defendants Scientology and Hubbard, to the extent you have not done so, in response to the above interrogatory, provide the following factual basis for such cause of action:
>
> A. The specific and full factual basis for all the allegations contained in said cause of action.

Mr. Peterson's assumption that the date that I "first suffered severe emotional distress as a consequence" of realizing the organization had and would my innermost thoughts and secrets, was "by 1978" is erroneous. And the conclusion, at p. 18 of the

303

motion, that "Armstrong had knowledge of what he contends were all the above referenced breaches of the so-called contract no later than December 1, 1977," and at p. 8 that "(i)n reality, Armstrong has not testified that he knew anything in the Fall of 1981 that he had not already known as of 1978, by the latest" omit any reference to and attempt to slip by the whole biography project, Hubbard's archives and the underlying case which the organization brought.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this first day of November, 1986 at Boston, Massachusetts.

Gerald Armstrong

JOHN G. PETERSON
PETERSON AND BRYNAN
8530 Wilshire Boulevard, Suite 407
Beverly Hills, California 90211
(213) 659-9965

DONALD C. RANDOLPH
A Member of
OVERLAND, BERKE, WESLEY, GITS,
RANDOLPH & LEVANAS
A Professional Corporation
2566 Overland Avenue, Seventh Floor
Los Angeles, California 90064
(213) 559-8150

Attorneys for Plaintiff and Cross-Defendant
CHURCH OF SCIENTOLOGY OF CALIFORNIA

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

CHURCH OF SCIENTOLOGY OF CALIFORNIA, a California Corporation, Plaintiff, v. GERALD ARMSTRONG, et al., Defendants.	No. C 420 153 OBJECTION OF CROSS-DEFENDANT CHURCH OF SCIENTOLOGY OF CALIFORNIA TO RELEASE OF PRECLEAR FILES [UNDER SEAL]
AND RELATED CROSS-ACTION	

EXHIBIT 3 PAGE 17

I.

INTRODUCTION

The Church has fought, at all times herein, to protect Armstrong's privacy, and the privacy of its other parishioners, by refusing to produce the preclear files relating to Armstrong for an *in camera* inspection. Needless to say, the Church does not wish to jeopardize its ability to provide religious services to all of its adherents simply because one ex-member lacks respect for its religious principles. The Church urges this Court to consider carefully, as several other courts have done, the potential adverse impact on religious confidentiality for all Church members which arises from Armstrong's own attempts at self-destruction through insisting that his preclear files become discoverable.

Throughout this litigation, the Church has maintained these files securely and in confidence, and only within the last few weeks have these files been copied, indexed and reviewed by counsel in preparation for their production as ordered by this Court. As is evident below, the Church has very obviously not utilized or disseminated the information contained in these files at any point. As is also evident below, there is significant information contained in these files which is directly contradictory and otherwise quite detrimental to Armstrong's assertions in support of his case. Additionally, there is a great deal of information contained in the files which is undoubtedly personally embarrassing to Mr. Armstrong and extremely destructive to his reputation and credibility. Nonetheless, even in full awareness of the damage that the contents of these files could inflict upon Armstrong and his claims, the Church still urges this Court to maintain the privacy of the documents and the information contained therein. This position is not based upon any overriding concern for Armstrong's welfare; rather, the Church still maintains that the sanctity of the confessional must be placed above all other concerns.

306

II.

APPROPRIATE ALTERNATIVES AVAILABLE TO THIS COURT

In Wollersheim v. Church of Scientology of California, et al., Los Angeles Superior Court No. C 332 027, the Honorable Ronald Swearinger was faced with a similar, although possibly even more serious, situation. In that case, plaintiff Larry Wollersheim had alleged that the pastoral counseling delivered to him by the Church had directly resulted in physical and emotional damage to him. He further alleged that the preclear files pertaining to him were directly relevant as evidence of this damage, and the intentional or negligent infliction emotional distress to him.

As in the case herein, the production of the preclear files relating to Larry Wollersheim occurred in stages, with the Church bringing to the Court's attention at each stage the relevant objections. On February 28, 1986, Judge Swearinger required plaintiff Wollersheim to inform the Court that a knowing and informed waiver of the priest-penitent privilege was being made. (See Declaration of John G. Peterson, attached hereto as Exhibit "A".)

On March 13, 1986, Judge Swearinger took note of the November 5, 1985 Order issued by the Honorable Judge Mariana Pfaelzer in the case of Religious Technology Center, et al. v. Larry Wollersheim, et al., U.S.D.C. C.D.Ca. Civil Action No. 85-7197-MRP. That Order described as "confidential religious scriptures" the materials known within the Church as "(1) Solo Part II, (2) Power, (3) R6EW, (4) DCSI, (5) Sunshine

Rundown, (6) Clearing Course, (7) OT I, (8) OT II, (9) OT III, . . ." (See Temporary Restraining Order, attached hereto as Exhibit "B".) Following the decision reached by Judge Pfaelzer, Judge Swearinger ordered that "[w]e are not going into the contents of those upper level materials." (See March 13, 1986 Trial Transcript, pp. 2208-2209, attached hereto as Exhibit "C".) Judge Swearinger reiterated on April 3, 1986 that no testimony from the upper levels materials, being defined as "Power through NOTS", would be allowed into the trial of the action. (See April 3, 1986 Trial Transcript, pp. 4786-4787, attached hereto as Exhibit "D".) Thereafter, the preclear files were produced to Judge Swearinger for his in camera inspection. The files containing upper level materials were not required to be produced, and were not produced.

On May 6, 1986, after Judge Swearinger had thoroughly reviewed the contents of the files, a discussion was held concerning the "tremendous confusion and side shows" that the introduction of the preclear files into the Wollersheim case would create. (See May 6, 1986 Trial Transcript, p. 7571, attached hereto as Exhibit "E".)

A procedure whereby the files were maintained by the Court, but in which Wollersheim and his counsel could review them in the presence of a referee, was established. No such review occurred, apparently due to a decision by Wollersheim and his counsel that the interests balanced by the information contained in those files becoming public or staying private came down on the side of privacy.

The alternative suggested by the Wollersheim case is completely applicable and appropriate to the case herein. The Church has not produced the three files pertaining to Armstrong which contain "confidential religious scriptures". Those files, covering the time period from just a portion of 1978 into early 1980, include "(1) Solo Part II, . . . (6) Clearing Course, (7) OT I, (8) OT II, [and] (9) OT III" materials. It has, however, produced for inspection the twenty-five files covering the time period from Armstrong's first pastoral counseling, in 1970, up through the portion of 1978 when he engaged in the confidential upper level counseling. This Court should require only the production of the preclear files already produced.

This Court should also, as was established by the Wollersheim court, require Armstrong and his counsel to provide a waiver of the priest-penitent privilege prior to any review of the files which have been produced. The procedure formulated by Judge Swearinger, which would allow Armstrong and his counsel to review the files in the presence of a referee, is likewise completely appropriate for the case herein. Upon completion of his review, this Court should require Armstrong to specifically state which documents support his claims. The Church is confident that Armstrong will be unable to demonstrate any support for his claims that Armstrong's files were "culled" for the simple reason that no such action has occurred.

It seems highly unlikely that Armstrong and his counsel, once they have reviewed these files, will still insist on making their contents a part of this case as such an action will create only harm to Armstrong. The Church has not utilized these files in any way for this litigation, and repeats its offer at this time to destroy the files, and any copies thereof, in Armstrong and/or his counsel's presence should they now be willing to adopt this course of action.

III.

INFORMATION IN THE PRECLEAR FILES IS HARMFUL TO ARMSTRONG'S CASE AND CHARACTER

If Armstrong insists on making the contents of these files a part of this case by obtaining copies of them, and if the Court does not reconsider its intention to release these preclear files to Armstrong, the Church will be forced, against its wishes, to utilize the same documentation in its defense as evidence of Armstrong's character and perjurious statements.

A. Statements Regarding Armstrong's Case

The files contain numerous references to admissions by Armstrong which are directly contradictory to his allegations in the Third Amended Cross-Complaint as well as representations made directly to this Court in various declarations. Information in this regard includes the following:

EXHIBIT 3 PAGE 22

1. On November 18, 1977, Armstrong commented to his minister [redacted]

310

EXHIBIT 3 PAGE 23

[redacted]. On February 26, 1977, Armstrong informed his minister [redacted]. On November 13, 1976, Armstrong stated that [redacted]

2. On October 24, 1977, Armstrong informed his minister that [redacted].

3. On October 16, 1977, Armstrong informed his minister that [redacted].

4. On September 20, 1977, Armstrong informed his minister that [redacted].

5. On September 2, 1977, Armstrong confessed to his minister that [redacted]

6. On May 5, 1977, Armstrong informed his minister that, [redacted].

7. On February 27, 1977, Armstrong informed his minister that [redacted]

8. On February 26, 1977, Armstrong described the [redacted]

All of the above statements by Armstrong are highly relevant to this action. They lead to the inescapable conclusion that Armstrong has lied to this Court and, when that ultimately proves to be the case, contempt and dismissal of the action is the proper sanction.

B. Statements Regarding Armstrong's Character

Other admissions contained in these files, which go directly to Armstrong's credibility and character, include the following:

1. Armstrong admitted to his ministers on numerous occasions that [redacted] (see, e.g., March 26, 1970 and July 16, 1970 statements); [redacted] (see, e.g., statement of April 17, 1970); [redacted] (see, e.g., statements of December 31, 1972 and July 20, 1973); [redacted] (see, e.g., June 30, 1977 statement).

2. Armstrong admitted to his ministers on numerous occasions that [redacted]

EXHIBIT 3 PAGE 25

[redacted] (see, e.g., statements of July 18, 1974 and September 6, 1977); [redacted] (see, e.g., statements of May 23, 1970, July 18, 1974 and February 27, 1977); [redacted] (see, e.g., statement of May 23, 1970); [redacted] (September 24, 1976); [redacted] (see, e.g., statement of December 8, 1976); [redacted] (see, e.g., statements of April 14, 1970, February 6, 1971 and August 12, 1977); [redacted] (September 6, 1977); [redacted] (see, e.g., statements of September 15, 1971 and February 26, 1972).

3. Armstrong admitted to his ministers that [redacted] (See, e.g., statement of July 25, 1973.)

4. Armstrong admitted to his auditors on numerous occasions that [redacted] (See, e.g., statements of February 6, 1971; February 15, 1971; September 15, 1971; and October 10, 1972.)

The above admissions, if the Church is ever forced to use them, must be construed as admissions against Armstrong's interest. They paint an incredibly sad picture of a pathetic and troubled individual who engaged in one illegal or deviant

EXHIBIT 3 PAGE 210

act after another until entering the Church; who continued, although in a comparatively minor way, to practice his debased activities while a member of the Church; and who immediately resumed his extremely aberrated activities upon leaving the Church as demonstrated by his theft of thousands of pages of personal materials and his "talking pig" essay, a sickening "personal creative work" authored by Armstrong for potential publication. (See essay, attached hereto as Exhibit "F".)

IV.

THE DOCUMENT DATED NOVEMBER 26, 1976, MARKED BY THE COURT AS SEALED EXHIBIT NO. 600, IS NOT REPRESENTATIVE OF THE PRECLEAR FOLDERS

The document selected by the Court and denoted as sealed Exhibit No. 600 in its Order of June 26, 1986 is not representative of the majority of the documents contained in the preclear files pertaining to Armstrong. The majority of the documents contained in these preclear files are notes taken by the ministers who delivered specific pastoral counseling processes to Armstrong. Their notes, as demonstrated above, reflect a great deal of spiritual reflection and unburdening by Armstrong. The document selected by this Court, however, is simply a review of an earlier pastoral counseling process delivered to Armstrong; its purpose was only to prepare Armstrong for additional pastoral counseling processes.

Therefore, if the Court determines to release these files to Armstrong, the Church proposes the addition of several additional sealed exhibits as more truly being representative of the documents contained within these preclear files. The documents dated March 26, 1970, May 23, 1970, July 18, 1974, and February 22, 1977 are hereby requested for introduction as sealed Exhibits No. 601, 602, 603, and 604.

V.

FURTHER COMPLIANCE WITH THE COURT'S ORDER OF JULY 2, 1985

Pursuant to this Court's Order of July 2, 1985, attached hereto as Exhibit "G" is a list of each of the pastoral counseling sessions contained within the preclear files by date, the name of the minister who counseled Armstrong, and the location where the counseling occurred when known.

VI.

CONCLUSION

For the reasons set forth hereinabove, the Church urges this Court to allow Armstrong access to the preclear files for inspection without copying or the taking of notes only. Such an alternative will meet Armstrong's discovery objectives and yet maintain the integrity of the confessional files without interjecting their contents into this litigation. The Church further urges this Court to require a waiver of the priest-penitent privilege from Armstrong and his counsel prior to any such inspection, to require a written statement specifying

/ / /

/ / /

/ / /

/ / /

/ / /

what documents support his claims, and to exclude any production of the "confidential religious scriptures".

DATED: July 3, 1986

Respectfully submitted,

OVERLAND, BERKE, WESLEY, GITS,
RANDOLPH & LEVANAS

By: ______________________
DONALD C. RANDOLPH

Attorneys for Plaintiff and
Cross-Defendant Church of
Scientology of California

EXHIBIT 3 PAGE 28

316

DECLARATION OF GERALD ARMSTRONG

1. I am the defendant and cross-complainant in the case of Church of Scientology of California v. Armstrong, Case No. 420153.

2. I am making this Declaration to support a motion to have plaintiff deliver to me my "auditing" and "ethics" files, now in its or a connected organization's possession.

3. During the process of "auditing" in Scientology, a person being "audited," hereafter referred to as "penitent," communicates to the clergyman, counselor, or therapist, hereafter referred to as "auditor," his innermost thoughts and relates incidents from his life which are emotionally charged, embarrassing or for which he could be blackmailed. The auditor writes down what the penitent says in "auditing reports." The auditor demands and records details such as time and place when an incident occurred, who was present, who knew about the incident, their relationship to the penitent and their address or general location. These "auditing reports" form, along with the auditor's notes and instructions made after the auditing sessions, the penitent's auditing files. My auditing files are from approximately one thousand hours of auditing and total over two feet in height. These are the files, along with my "ethics" files, and any copies, notes or excerpts from these files, that I seek to have delivered to me.

EXHIBIT 3 PAGE 29

4. When I became involved with Scientology, and when I joined the Sea Organization, I did so in part because of the promises made to me that auditing reports and statements made during auditing were to be absolutely confidential between

auditor and penitent. I was told that these statements were treated like the confessions of Catholics to their priests, that they would never be passed on to others and would not be used against the penitent. I was never told of use of auditing information by the hierarchy of Scientology against penitents, nor of the fact that the hierarchy and the intelligence bureau personnel of Scientology had complete access to auditing files. My learning of the actual use to which auditing information is put was a major factor in my leaving the organization. The fact that the organization refuses to turn over my personal records by claiming they are "protected" by the "clergyman-penitent privilege" which they have for decades ignored and abused, is a situation designed by Scientology to bring about my emotional disintegration.

5. I seek the delivery to me of my personal auditing and ethics files for a number of reasons. They are my property because they are my statements made as a penitent. As such, they are protected by the "clergyman-penitent privilege." Yet, I cannot exert the privilege, and stop the organization's use of these files as long as they remain in Scientology's possession. I seek an understanding from these records of what happened to me during my thirteen years of involvement with Scientology. There are aspects of the mind control by Hubbard and the organization which as yet elude me. I worked over eleven years, virtually without pay and doing things as directed by Hubbard and the organization that no sane person would do. I feel that my auditing records will shed a great deal of light on this subject. My emotional stability I feel was damaged by

3/8

Scientology, both while inside and by the attacks on me after leaving, and the continued possession of my personal auditing records and violation of my rights does not allow any emotional healing. The organization or Hubbard and his agents will use the information from my personal auditing files against me, both in and out of the legal arena. I seek to prevent Hubbard and the organization from this abusive action. Hubbard and the organization have labelled me their "enemy" and a "suppressive person" (or one of the 2 1/2 percent most evil people in the world). They do not consider me a friend, and their motivation for retaining my personal auditing files is not friendship or interest in my welfare. They actively seek my destruction.

6. During my years of involvement with Hubbard and Scientology I learned by direct observation how the organization uses penitents' "confidential" auditing information. While working in the Guardian's Office and L. Ron Hubbard's Communications Bureau, I coded and decoded telexes which contained such information gleaned from auditing files. The information came from the Guardian's Office (or Intelligence Bureau), and without the knowledge of the penitents. The transmitted information dealt mainly with the penitents' sexual activities, their family, drug use, criminal activity in their past, "buttons" (things which could be used to exert control over the penitents), and things for which the penitents could be blackmailed. In 1980 and 1981 I learned from Guardian's Office operatives that because of its social unacceptability and legal problems they could no longer use auditing information directly. Instead, they gleaned the information from auditing files then

EXHIBIT 3 PAGE 32

sought out "third parties" or created "third parties" who could provide the same information. Since the auditing reports contained the time and place where incidents occurred, and who was present or knew about the incident, this was relatively easy to do. In 1980 I was asked by a GO operative to "verify" information taken from the auditing files of Tonja Burden, a young girl then considered an "enemy" of Scientology. The operative knew details from Ms. Burden's "confidential" files and related these to me to see if I could be the "third party" to "provide" the information in a declaration or as a witness.

7. A number of times during my involvement with Scientology I was ordered, either by Intelligence Bureau personnel or Hubbard's personal agents, to cull usable information from penitents' auditing files. The information culled was written or typed into lists and kept by the GO or Hubbard's agents separate from the auditing files. This was standard practice with anyone who requested to leave or did leave the organization or was considered in any way a "threat." Undoubtedly it has already occurred with my "confidential" files. The classes of information I was ordered to extract from auditing reports were: anything concerning the penitents' sexual activities, including time, place, form, event and names and addresses of all sexual partners; any involvement with drugs, including time, place, form, event and names of anyone else involved; any criminal activities with complete details; anything for which the penitents could be blackmailed; any information on family members, friends, associates, connections. In short, the information sought by the GO and Hubbard's personal agents was

EXHIBIT 3 PAGE 33

intelligence data exactly like that sought and used by the KGB or the Gestapo.

8. Only in 1982, after leaving Hubbard's personal staff and the Sea Organization did I find that the practices regarding the use of "confidential" auditing files for intelligence purposes existed as written policy long before I joined the Sea Organization. In a Guardian's Order dated December 16, 1969, entitled PROGRAMME: INTELLIGENCE: INTERNAL SECURITY, Mary Sue Hubbard, then directly responsible to L. Ron Hubbard, wrote:

> "VITAL TARGETS:
>
> 1. This Programme is to be done by the Asst. Guardian or the D/A/Guardian for Intelligence, if this post is held separately.
>
> 2. To establish intelligence files on all such persons found to be infiltrators, double agents, and disaffected staff members, Scientologists and relatives of Scientologists.
>
> OPERATING TARGETS:
>
> 1. To make full use of all files on the organization to effect your major target. These include personnel files, Ethics files, Dead files, Central files, training files, processing files and requests for refunds.
>
> 2. To assemble full data by investigation of each person located for possible use in case of attack or for use in preventing any attack and to keep files of such." (GO 121689 MSH, attached hereto as Attachment 1.)

If I had known of this policy and practice in 1969 I would never have become involved with Scientology.

9. The public statement by Hubbard and the Scientology organizations is that the purpose of auditing is to free individuals. Yet the real use to which auditing is put is to entrap and control individuals. Many of the people in Scientology are Hubbard's unwitting dupes; they believe that, to some degree at least, their participation in the covert and illegal use of confidential auditing files has something to do with freeing individuals. Hubbard's personal writings during the period of his creation of Dianetics and Scientology, however, reveal a completely different and very non-altruistic motivation. In these writings, now under seal in the Court, Hubbard wrote that he would control this sector of the Universe, that all men will bow down to his will, and that he has the right to use men's minds. There are approximately two hundred pages of such writings presently under seal. These reveal Hubbard's intent to control people, his utter disregard for individuals' rights and his meglomania. The illegal use to which he and his organization have put and do put penitents' statements, made in confidence, fit with the pattern of Hubbard's life and his mental state as shown in the sealed documents.

10. Hubbard's and Scientology's attorneys are knowing or unknowing participants in the illegal use of "confidential" penitents' files. Plaintiff's attorney, Karl Kohlweck, in refusing to produce my "ethics" file stated:

> ". . . 'ethics' files of parishioners of the Church of Scientology contain information

EXHIBIT 3 PAGE 35

> derived from confidential communications between the parishioners and ministers of the Church. Plaintiff Church of Scientology of California asserts the priest-penitent privilege with respect to the contents of such files." (Response to Defendant's First Request for Production of Documents attached hereto as Attachment 2.)

Besides being ludicrous--the "Church" asserting the privilege for the penitent when the penitent himself is requesting the files--it is a clear example of obstruction of justice and abuse of the justice system. In my deposition of August 18, 1982, Mr. Kohlweck asked a series of questions which began:

> "Q Mr. Armstrong, isn't it a fact that during December of 1977 there was dispatch concerning you, that you were approved for duty at the S. U. or Special Unit, provided you were not ever to be on C.M.O. or Commodore Staff Guardian lines nor at any time on G.O. lines, Guardian's Office lines, or any position senior to Messenger? Are you aware of such a dispatch?" (Deposition of Gerald Armstrong taken August 18, 1982, p.208, attached hereto as Attachment 3.)

The "dispatch" Mr. Kohlweck appears to know in such detail I know to be from my "ethics" file. From not only this instance, but from a very long experience with Scientology, it is clear to me that the priest-penitent privilege means nothing to Hubbard or the Scientologists he controls, other than as a vehicle to prevent the penitent from exerting his privilege, and at the same time selectively using the information from the files not relinquished to the penitent because they are "privileged." It is the penitent's privilege; it most certainly is not the organization's. It is just this sort of convoluted perversion of the law and the individual's rights which has been Hubbard's modus operandi for more than thirty years.

11. My attorney has written CSC, requesting delivery to me of my "auditing" files and "ethics" files. The organization has not even responded, yet they have claimed these files are protected by the priest-penitent privilege.

Evidence Code Section 1033 states:

Privilege of Penitent: "Subject to Section 912, a penitent, whether or not a party, has a privilege to refuse to disclose, and to prevent another from disclosing, a penitential communication if he claims the privilege."

Section 912 deals with waiver of privilege.

I do not waive the privilege, and in fact insist upon it. The only way I can exert the privilege and prevent CSC or Hubbard from disclosing my "penitential communications" is to have the "auditing" and "ethics" files, and all copies delivered to me. Yet CSC and Hubbard refuse, claiming "priest-penitent" privilege, which is my privilege, not theirs.

12. Hubbard has set the organization's policy regarding lawsuits:

"The law can be used very easily to harass,

> and enough harassment on somebody who is simply on the thin edge anyway, well knowing that he is not authorized, will generally be sufficient to cause his professional decease. If possible, of course, ruin him utterly."
>
> (Level "0" Checksheet by L. Ron Hubbard, attached hereto as Attachment 4.)

It is very clear that the refusal to deliver to me my "auditing" and "ethics" files, which have no possible legal use to Hubbard or the organization, is simply harassment. Hubbard's directed harassment of me has put me "on the thin edge" as he intended. I am deeply disturbed by the abuses and harassment by Hubbard and the people he controls and their desire to ruin me utterly.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 18th day of December 1983 at Costa Mesa, California.

Gerald

GERALD ARMSTRONG

DECLARATION OF FRANK K. FLINN

1. I, Frank K. Flinn, reside at 7472 Cornell, St. Louis, Missouri 63130.

2. I am currently self-employed as a writer, editor, lecturer and consultant in the fields of theology and religion. I am also a Senior Religion Editor at the Edwin Mellen Press of Toronto and New York.

3. I hold a Bachelor of Arts degree in Philosophy (1962) from Quincy College, Quincy, Illinois; a Bachelor of Divinity degree (1966), magna cum laude, from Harvard Divinity School, Cambridge, Massachusetts; and a Ph.D. in Special Religious Studies (1981) from the University of St. Michael's College, Toronto School of Theology, Toronto, Ontario, Canada. I have also done advanced study at Harvard University, the University of Pennsylvania, and the University of Heidelberg, Germany. At the University of Heidelberg, I was a Fulbright Fellow, 1966-67. At the University of Pennsylvania, I was a National Defense Foreign Language Fellow, Title VI, 1968-69.

4. Since 1962, I have devoted intense study to religious sectarian movements, ancient and modern. A portion of my doctoral studies was focussed specifically on the rise of new religious movements in the United States and abroad since World War II. That study included the investigation of new religions in terms of their belief systems, lifestyles, use of religious language, leadership, motivation and sincerity, and the material conditions of their existence.

5. Prior to my present position, I taught at Maryville College, St. Louis, Missouri, 1980-81; St. Louis University, St. Louis, Missouri, 1977-79, where I was Graduate Director of the Masters Program in Religion and Education; the University of Toronto, Ontario, 1976-77, where I was Tutor in Comparative Religion; St. John's College, Santa Fe, New Mexico, 1970-75, where I was Tutor in the Great Books Program; LaSalle College, Philadelphia, Pennsylvania, Summers 1969-73, where I was Lecturer in Biblical Studies and the Anthropology of Religion; Boston College, Boston, Massachusetts, 1967-68, where I was Lecturer in Biblical Studies; and Newton College of the Sacred Heart, Newton, Massachusetts, where I was Lecturer in Biblical Studies.

6. I am a member in good standing of the American Academy of Religion, the Religious Education Association, the College Theology Society, the Council on Religion and Law, and am an associate member of the Christian Legal Society. I am a practicing Roman Catholic at All Saints Parish, University City, Missouri.

7. Since 1968, I have lectured and written about various new religious movements which have arisen in the 19th and 20th centuries in the United States. In my lecture courses "Anthropology of Religion" (LaSalle College), "Comparative Religion" (University of Toronto) and "The American Religious Experience" (St. Louis University), I have dealt with such religious movements as the Great Awakening, Shakerism, Mormonism, Seventh Day Adventism, Jehovah's Witnesses, New Harmony, Oneida, Brook Farm, Unification, Scientology, etc. I have published several articles and been general editor of books on the topic of new religions. It is my policy not to testify about

a living religious group unless I have long-term, first-hand knowledge of that group. I have been invited to testify on various aspects of the new religions before the U.S. Congress, the Ohio legislature, the Illinois legislature, and the Kansas legislature. I have delivered lectures on the topic of the new religious movements at colleges and universities in the United States, Canada and Europe.

8. I have studied the Church of Scientology in depth since 1976. I have sufficiently sampled the vast literature of Scientology (its scriptures) to form the opinions expressed below. I have visited Scientology Churches in Toronto, Ontario, St. Louis, Missouri, Portland, Oregon, Clearwater, Florida, Los Angeles, and Paris, France, where I familiarized myself with the day-to-day operations of the Church. I have also conducted numerous interviews (spiritual biographies) of members of the Church of Scientology. I am also familiar with most of the literature written about Scientology, ranging from objective scholarship to journalistic accounts, both favorable and unfavorable.

9. The question has arisen in the minds of some as to whether Scientology is a religion. As a comparative scholar of religions, I maintain that for a movement to be a religion and for a group to constitute a church, it needs to manifest three characteristics, or marks, which are discernible in religions around the world. Below, I define these three characteristics.

> (a) First, a religion must possess a system of beliefs or doctrines which relate the believers to the ultimate meaning of life (God, the Supreme Being, the Inner Light, the Infinite, etc.).

(b) Secondly, the system of beliefs must issue into religious practices which can be divided into 1) norms for behavior (positive commands and negative prohibitions or taboos) and 2) rites and ceremonies (sacraments, initiations, ordinations, sermons, prayers, services for funerals and marriages, etc.).

(b) Thirdly, the system of beliefs and practices must unite a body of believers so as to constitute an identifiable community which is either hierarchical or congregational in polity and which possesses a spiritual way of life in harmony which the ultimate meaning of life as perceived by the believers.

Not all religions will emphasize each of these characteristics to the same degree, but all will possess them in a perceptible way.

10. On the basis of these three criteria and of my research into the Church of Scientology, I can state without hesitation that the Church of Scientology constitutes a bona fide religion. It possesses all the marks of religion known around the world: (1) a well-defined belief system, (2) which issues into religious practices (positive and negative norms for behavior and religious rites and ceremonies), and (3) which sustain the body of believers in an identifiable religious community. In terms of their belief system, Scientologists believe that mankind is basically good, that the spirit can be saved, and that the healing of both physical and spiritual ills proceeds from the spirit, which they define as "thetan." According to Scientology belief, "thetan" is immortal and has assumed various bodies in "past lives." This doctrine has many affinities with the Buddhist belief in samsara or the transmigration of the soul. Belief in the Supreme Being is expressed in terms of the "Eighth Dynamic" which is equivalent to God or Infinity. The Creed of Scientology can be compared to the classic Catholic creed of Nicaea, the Lutheran Augsburg Confession and the Presbyterian Westminster Confession.

11. In terms of religious practices, Scientology has many ceremonial religious forms which can be found in traditional religious groups, such as initiation or baptism (which is called "naming" in Scientology), marriage, funerals, etc. However, the central religious practice of Scientology is auditing, which is comparable to the confession of sins and spiritual guidance among traditional religious groups. Scientologists make a distinction between reactive or passive mind and analytical or active mind. The reactive mind records what adherents call "engrams," which are like spiritual traces of pain, injury, or impact. The reactive mind is believed to retain engrams that go back to the fetal state and reach further back to past lives. The notion of engram is functionally equivalent to the notion of sin in Judaism and Christianity and bears close resemblance to the Buddhist doctrine of "threads of entanglement" which hare held over from previous incarnations and which impede the attainment of enlightenment. Scientologists believe that unless one is freed from these engrams through the activation of analytical mind, one's survival ability, happiness, intelligence and spiritual well-being will be severely impaired. It is on this basis that adherents are motivated to go through the many stages of auditing. A beginner in the auditing process is called a "preclear" and one who has successfully discovered and erased all traces of past engrams is called a "clear." This distinction between preclear and clear may be compared to the traditional Christian distinction between sin and grace, as well as the Buddhist distinction between entanglement and enlightenment. Adherents who are at higher auditing levels are considered as striving to become "operating thetans" so that they may be at cause over matter, energy, space

and time. While not opposed to consulting physicians for physical ailments, Scientologists have a firm taboo against the use of psychotropic drugs for the mental and spiritual healing of the soul. The bulk of Scientology ministerial practice is devoted to auditing, to courses for the training of auditors, who are like spiritual counsellors, and to achieving the many levels of spiritual enlightenment through the auditing process. These many levels of auditing and spiritual enlightenment are remarkably like the levels of religious and spiritual enlightenment in the noted Christian treatises, Journey of the Mind into God by St. Bonaventure, and the Spiritual Exercises by St. Ignatius of Loyola.

12. As with every known religion, Scientology has a communal life and ecclesiastical organization which serves to preserve and to propagate the belief system and to foster the religious practices. In ecclesiastical structure Scientology is hierarchical rather than congregational. Congregational religions exercize authority horizontally by locally electing ministers of churches, voting on reformulations of belief systems and religious practices, as well as church polity. Many Protestant denominations in the United States are congregational in polity. Hierarchical religions, on the other hand, exercize authority by appointment from the top down, either from a central religious figure such as the Pope in Roman Catholicism, the Dalai Lama in Tibetan Buddhism, and the Archbishop of Cantebury in Anglicanism, or from a central executive body, such as a synod of bishops or council of elders. Some religious groups such as the Missouri Synod Lutheran Church have a combination of congregational and hierarchical polities. In hierarchical religions, the church leaders are invested with the power to

interpret doctrine, modify religious practices and formulate polity. My study of the Church of Scientology showed me that it followed the traditional hierarchical type of church polity.

13. In the course of time certain religious and ecclesiastical practices of the Church of Scientology have come under criticism by outsiders and disaffected members. Those criticisms can be enumerated under four topics: (a) the "disconnection" of Church members from their natal families; (b) the information gathering practices of the Church; (c) the disciplinary practices associated with the Rehabilitation Project Force (RPF); and (d) the use and confidentiality of the Pre-Clear files (contained in what are known as PC folders) of upper level members of the Church.

Below I will discuss these issues one by one. But, first, some general remarks are in order. As noted above, religions are constituted not simply by beliefs, however unintelligible to the non-believer, but also by acts and practices (ethical norms and rites), both of which serve to shape a way of life for a community of believers. In general, a great amount of attention has been given to the varieties of belief among the religions of the world, while religious acts have been subordinated to illuminating those beliefs. Most definitions of religion focus on the belief system to the detriment of the religious practices and community. Hence, the attention given to religious acts has tended to be either minimal or slanted. When religious acts are noticed, that attention has frequently been prurient, that is, religious rites elicit interest only in so far as they are odd, bizarre or quaint. Both beliefs and religious acts, however, are like two gears which make the transmission (the way of life) of a community of believer go around. All three—beliefs, acts, and way of life—need to be looked at both separately and in conjunction.

(a) Many critics of the new religious movements, in general, and of Scientology, in particular, have claimed that converts have been deliberately induced to alienate themselves from their families and to devote themselves heart, mind and soul to their new-found religion. This claim and the tension between an older generation and new converts are neither a simple nor a new phenomenon.

I will address the complexity of the issue first. Here we are dealing, first, with a matter of media bias. Scholars of new religious movements have noted that newspaper, television and radio coverage of religion-related events keep pertinent information about mainline religions in the background while underlining that about the new ones. If, for example, two men, one an Episcoplian and the other a Jehovah's Witness are arrested for murder, the news headline about the Episcopalian will read "Man Kills Wife," while the one about the Jehovah's Witness will read "Jehovah's Witness Slays Mate."

Secondly, the media often lump all new religious movements together such that the practices of one are attributed to another which has completely different practices. Media coverage of innovative religious movements frequently fall into the age-old trap of the sweeping generalization: "If you have seen one, you have seen them all." Immediately after the Jonestown massacre—indeed a lamentable tragedy—the media started carrying articles about "suicide pacts" and "suicide drills" in other "cults" and ceased so doing only when the evidence proved absent. So, too, alienation of new converts from parents and other relatives, while true about some new religious movements under some circumstances, quickly became attributed to all. My study of the new religious movements showed that "disconnection" between members and their relatives occurred the least among Scientologists.

Thirdly, my interviews with new converts of several new religions showed that friction between the young adult member and his or her parents—an often enough occurrence throughout American culture—often preceded the membership. Thus conversion to a religion, whether old or new, becomes the occasion but not the primary cause of the surfacing of long-standing family conflicts.

My studies show that contact with parents and others by members of new religions was nearly normal, even when the parents disapproved of membership in the new religion, until "deprogramming" became common. Because the new religions could not predict whether or not their members would be abducted when meetings were sought on the part of relatives, they naturally became guarded. Even on this score, Scientology was an exception for few of them were in fact "deprogrammed" at the instigation of their parents or other relatives.

Keeping in mind the complex factors sketched above, I can note that friction, tension, alienation, lack of communication between members of new religious movements and their parents is no more nor less than the same rifts that take place in every family known to me. Nor, in fact, are these rifts anything new in the history of religion. In his quest for spiritual enlightenment Gautama Buddha, born a Hindu prince, not only abandoned his parents, much to their dismay, but also his wife and children. Moses, reacting to the bondage of Israelite slaves under Egyptian domination, slew one of their persecutors and fled the comforts of the Egyptian court to encounter God in the desert of Midian. In the Middle Ages, both Thomas Aquinas, offspring of Neapolitan nobility, and Francis of Assisi, son of a wealthy Umbrian merchant, abandoned as youths their lives of ease and privilege, joined the urban youth movement of known as the Mendicants (Latin for "beggars"), and took vows of absolute poverty, chastity and obedience. Both Thomas and Francis were kidnapped and imprisoned by their parents and relatives who, to no avail, used methods remarkably like those used by modern "deprogrammers" in order to get them to abandon their ways. St. Thomas received the title "Angelic Doctor" by the Catholic Church because he resisted the blandishments of a prostitute employed by his brothers to get him to break his vow of chastity. Orthodox churchmen labelled members of the new mendicant orders, known today as Dominicans, Franciscans and Augustinians, as "dementes" (Latin for "insane") and "filii diaboli" ("sons of the devil"). St. Thomas even wrote the first anti-deprogramming treatise, entitled "Contra pestiferam doctrinam retrahentium homines a religionis ingressu" ("Against the Pernicious Doctrine of Those Dragging Youth Away from Entering Religious Life").

Martin Luther instigated a lifelong alienation with his father, who wanted him to become a lawyer with a lucrative income, by joining the Augustinian order. In turn, Luther created a rift within Christendom itself by attacking the practice of indulgences and holding to the doctrine of justification by faith alone. Similar rifts and alienations have occured in American religious history, especially in the events surrounding the Great Awakening, which American historians recognize as a primary source for the rise of the democratic sentiment in America and the the principle of freedom in religious conscience and practice. The Great Awakening was the beginning of revivalism in American, a religious tradition still espoused by many, most notably the Rev. Dr. Billy Graham. As noted by Jonathan Edwards in his "Faithful Narrative" (1737), the New England revival of religion began among the youth. This resurgence of piety among the young stirred such staid Harvard divines as Charles Chauncey to score the revivalists for "a certain wildness...discernible in their general look and air." Today deprogrammers attempt to convince parents that their offspring, often well educated and legally of majority age, display "glazed eyes" or have been "zapped" into being "zombies" by the single glance of a guru's eyes. The religions have changed but the charge remains the same.

In past and present religious history alienation from family and kin has been not only an unintended, and seemingly unavoidable, byproduct of the conflict between the old and the new but also a fundamental tenet of religious practice. Thus the monks and hermits of the third century onwards practiced "withdrawal from the world" because the world and its ways were believed to be "corrupt" and "under the dominion of the Prince of Darkness." The eremites of Asia Minor not only withdrew from the world but also their fellow monks, living alone in prayerful solitude in caves still to be seen in present-day Turkey. Members of contemplative orders, both in the West and the Far East, enter monasteries where rules of silence and solitude are so great that phone communication and letters to and from relatives are prohibited or restricted to a few feast days. As a member of the Franciscan order from 1958-64, I was allowed no phone communication with my relatives for the entire year of my novitiate, was not allowed to attend my grandfather's funeral, and received only one letter a month, which was subject to inspection by the master of novices.

The "disconnection" between parents and adult offspring in the new religions appears to be part and parcel of the immemorial conflict between the old and the new. Though the conflict may be immemorial, it is not immutable. My acquaintence with enduring members of the new religions, including Scientologists, suggests that over time familial rifts and disagreements become healed, especially as the member assumes positions of responsibility, gets further higher education, or marries and has children.

(b) The information gathering efforts of the Church of Scientology have stirred not a little controversy. I have heard it described as an "intelligence service" on the order of the Central Intelligence Agency and other governmental agencies. Though I in no way condone the violation of the lawful administration of government and the civil rights of others in the gathering and use of information, this aspect of the Church of Scientology deserves to be put in perspective.

First, scholars in many fields have noted that we live in an "information culture" of centralized data banks, computerized credit records, and electronic networking, etc. Just as early Christianity participated in the general culture of the Greco-Roman mystery religions with which it shared such initiation rituals as baptism, so the new religions of our time share in the informational "networking" culture of the late twentieth century. The speed with which information of all kinds travels among the new religions has continually amazed me, but the same amazement holds for the general business culture.

Secondly, Scientology is not alone among religions in having "intelligence" gathering services. It is well known that the Swiss Guards, formerly the mercenary protectors of such European monarchs as Louis XIV and now the protectors of the Pope of Rome, have intelligence units which gather and share information with other national intelligence agencies for the protection of the Pope and the benefit of the Vatican State. Furthermore, most religions—among whom I can name Greek Orthodoxy, Lutheranism, Presbyterianism, Episcopalianism, and Mormonism—have ecclesiastical tribunals, courts and councils of elders for maintaining purity of doctrine and practices. These ecclesiastical offices have information gathering powers for trying cases of heresy and church crimes such as sacrilege, annuling marriages, dispensing communicants from ecclesiastical impediments, compiling confidential dossiers on candidates to high ecclesiastical office, supervising seminaries, divinity schools and other institutions under ecclesiastical supervision.

Thirdly, while there has no doubt been some intrusion into government administration on the part of the new religions, their information gathering powers are dwarfed by those of modern states. The legislative, executive and judicial branches of government in the 1970's weighed heavily upon the new

..ligious movements. Witness the number of bills both in Congress and in State legislatures which espoused investigations into the "cults," denial of charitable status, conservatorships for deconverting adherents, and penalties for fraudulent belief. Local judiciaries have issued conservatorships on scanty evidence. Agencies of the executive such as the Immigration and Naturalization Service, the Internal Revenue Service, the Food and Drug Administration have been called upon to examine, scrutinize and issue reports about the internal practices of the new religions in a way that would arouse national furor if used against mainline religions. The response on the part of some new religions—among whom I would include the Church of Scientology—has been a sense of persecution and sometimes an aggressive pursuit of such laws as the Freedom of Information Act. In such a charged atmosphere neither religion nor state can flourish in their proper spheres. As the relation between the new religions and the state gets clarified and rectified by the higher courts, my expectation is that these skirmishes will diminish on both sides and both will be wiser and less wary of one another. Only then will religion and state be less inclined to view one another as conspiratorial enemies, which, unfortunately is the present perception on both sides.

(c) Another area for which the Church of Scientology is faulted is the manner with which it seemingly controls the daily life of its members, in general, and the apparently harsh discipline imposed upon Sea Org members in the Rehabilitation Project Force (RPF), in particular. In Scientology the Sea Org(anization) is composed of highly dedicated members who take vows of eternal service and live a life in community. The RPF discipline is used hen Sea Org members find themselves "non productive" or, in Scientology terminology, "stat crashers." In these situations, members are put on a definite schedule, spend several hours a day studying Scientology Technology, and have co-auditing sessions to achieve what believers call "release" and "full cleanup." Members do physical labor, but also get lots of healthy food and lots of rest.

Critics of the new religions charge that this kind of discipline constitutes "mind" and "milieu control" of the sort used by the Chinese Communists to enforce political re-indoctrination after the Communist takeover in 1949. The aim and goal of the RPF however is entirely different than that of the Communists in China. The Communists wanted to guarantee political uniformity, whereas the Scientologist wants spiritual "release" and "enlightenment" as "an immortal thetan." Secondly, Chinese peasants were forced into the re-indoctrination programs, whereas the Scientologists freely participates in the RPF program as a consequence of his or her vows of eternal service. Thus the proper comparison is not to political but to spiritual disciplines, which are present in every religion known to me and which I have undergone myself.

When a young adult enters a contemplative order such as the Trappists r Carmelites, that person takes vows of poverty, chastity and obedience to uperiors. The novice, or new member, cuts all ties with family and worldly oncerns. Men receive the tonsure (shaving of the head) and women have their ocks shorn to signify the renunciation of worldly vanity. In ceremonies, nvolving women entrants into religious orders that I have witnessed, the nun enters the chapel wearing a bridal garment to symbolize that she is about to enter a spiritual marriage with Christ. The garments are then removed, her hair is shorn, and she is invested with the habit of the order, which is often made of plain wool.

Contemplatives, monks, mendicants and other religious societies not only take the three vows mentioned above, but also commit themselves to other religious practices such as long hours of meditation each day, periods of manual labor, midnight choir (the singing of Psalms), fasting during Lent and Advent, study of the rule of the order and other spiritual writings, and silence. As member of the Franciscan Order (which I left voluntarily and was free to do so), I myself freely submitted to the religious practice of flagellation on Fridays, striking the legs and back with a small whip to mortify the desires of the flesh and to commemorate the flagellation of Jesus Christ before his crucifixion. In the tradition of St. Benedict's dictum "ora et labora" (Latin for "pray and work"), I also spent several hours each day, with the exception of Sunday, doing physical labor, including woodworking, tending a garden, cleaning floors, washing laundry, peeling potatoes, etc. These tasks were assigned to me by my superiors, and because I took a vow of obedience, I did them. Furthermore, as a mendicant, I took a vow of absolute poverty such that I owned absolutely no material possessions, including the robe which I wore. When rules of the monastery are broken, monks and friars are regularly assigned menial tasks as penances. Compared with these Roman Catholic practices, the practices of the RPF are not only not bizarre but even mild.

The RPF program can also be compared to spiritual retreats conducted by many religions in order to restructure believers' lives, including their secular life, and to provide refreshment for the soul. The Jesuits, much like the Sea Org members, have a period of retreat and rededication which is called Tertianship after undergoing a period of temporary vows. During Tertianship the Jesuit practices the "Spiritual Exercises" of St. Ignatius of Loyola, founder of the Society of Jesus. After Tertianship a Jesuit takes a fourth vow of special obedience to the Pope, much as the Sea Org members take vows of "eternal service."

Just as the Sea Org members who go through the RPF discipline to obtain "release" and "full cleanup" for the sake of redemption or salvation, so religions around the world have practiced sometimes stringent disciplines in order to attain "samsara" (escape from the cycle of rebirth in Hinduism), "moksa" (Buddhism), "satori" (Zen), the "beatific vision" (Roman Catholicism, Greek Orthodoxy), or communication with heavenly beings such as angels or transcendent "Masters" such as the theosophic Master of St. Germain believed in by the I Am religious group. (Perhaps it is worth mentioning that the beliefs and practices of the I Amers were the subject of the famous Supreme Court case U.S. v. Ballard in 1944).

It is my opinion that the spiritual disciplines and practices, such as the Rehabilitation Project Force, of the Church of Scientology are not only not unusual or even strange but characteristic of religion itself when compared with religious practices known around the world. Contrary to the generally second-hand opinions of outsiders and to the claims of disaffected members, whose motives are suspect, I would ~~say~~ that submission to such practices is not due to browbeating on the part of church leaders but follows as a natural consequence from a free religious commitment to a spiritual discipline in the first place.

(d) Another religious practice of the Church of Scientology which has come under scrutiny is the issue of the confidentiality exercised with respect to the auditing records of members and especially of the "pre-clear files" of upper-level church members. I find the practice of the Church of Scientology in this regard fully in keeping with the practices of other religions.

In general, there are two fundamental reasons why churches, including the Church of Scientology, seek confidentiality with regard to unauthorized examination of spiritual records. The first is to preserve the sanctity of the spiritual privacy of the believer. The second is to safeguard the integrity of a religion's innermost sacred doctrines.

In regard to the first reason, the spiritual privacy of the believer, Scientology is like every religion known to me. The Roman Catholic Church protects the priest-penitent relationship with the severest of sanctions, including dismissal from priestly office and expulsion from the Church itself. Upon ordination priests take an oath of the "confessional seal" before they are allowed to hear the confession of sins and administer official spiritual counselling. My pastor, a Monsignor in the Roman Catholic Church, has testified to me that he would undergo imprisonment and death before revealing the contents of any confession, whether this revelation was demanded by the President of the United States or by the Pope of Rome. Furthermore, each Roman Catholic archdiocese possesses a sealed religious archive to which only the Bishop or Vicar General may grant access. Such archives include files on the spiritual lives and morals of the clergy and the religious orders, dispensations from impediments to the reception of the sacraments like marriage or ordination, judgments from ecclesiastical trials, unproven denunciations, episcopal admonitions and reprimands to believers. The strict regulations regarding the use of these archives are contained in what is known as the "Corpus Juris Canonici" or Code of Canon Law. Among such regulations are included rules for documented authorization of the use of the files, oaths of absolute secrecy, control over the amount of information to which a user may have access, limitations on historians researching deceased persons, etc. Abuse of the archive and unauthorized divulging of information can bring severe penalties, including demotion from office, penances and even excommunication.

Most Protestant denominations have similar regulations and penalties in their respective church polities. Likewise Scientology has codes of conduct for auditors and other officials regarding authorized files. The Church does not allow any outsider access to a parishioner's files as a matter of priest-penitent privilege, as is the case with other churches. Confidentiality of this type of material touches on the nerve center of religion itself. The historical record shows that no church lightly suffers the intrusion into such records by the government or any other outside agency. The history of the Reign of Terror in France reveals the great number of priests who went to the guillotine rather than break the confessional seal.

The second reason, the safeguarding of a religion's innermost religious doctrine, is also a motive for preserving the confidentiality of ecclesiastical files and records. As an outside scholar, I naturally had no access to Scientology auditing files. My interviews with members, however, showed that during the auditing process, especially with regard to upper level embers, matters calling for religious interpretation or appointment to higher church office often came up. The same kinds of questions come up in Roman Catholicism, Episcopalianism and the Orthodox Church when fundamental beliefs come into question or someone is a candidate for a bishopric or higher office and the files collected on the candidate are protected in the exactly same way.

Historically speaking, many past religions were led toward policies of confidentiality because public dissemination of personal spiritual information and more complicated religious doctrines led to abuse, outside ridicule of beliefs, theological disputes which spilled over into the secular arena and hostile misinterpretation. A religion's guarding of its personal ecclesiastical files and its innermost teachings is like a sacred patent, comparable to the secular practice of protecting industrial patents and processes on the part of business corporations. Failure to protect these sacred patents would violate each believer's trust and lead to the disintegration of the religion itself.

14. Throughout religious history many acts and practices of religious groups have elicited strong reaction from the surrounding society. Thus the

Romans saw the early Christian ceremonies as "superstition" and as occasions for plotting sedition. Luther scored the ceremonial pomp of the Roman Curia as "more corrupt than Babylon and Sodom." Many outsiders and even Catholics contemned Jesuit moral theology as "casuistry" with such great vehemence that the term "jesuitical" became synonymous with the terms casusitic and devious. To the westerner the Jain practice of "ahimsa"—not harming any form of life, even to the extent of wearing masks like those used in surgery lest a gnat be inadvertently killed—can seem downright ludicrous. The Amish practice of not wearing buttons or using tractors and electricity because they are showy and hinder the "plain life" enjoined by the Bible strike most Americans as unprogressive, at worst, and quaint, at best.

Many find the practices of Jewish Orthodoxy unusual and incomprehensible. Orthodox Jews follow strictly the laws of Deuteronomy and Leviticus. They do not mix milk with meat, weave linen with wool, sow wheat with barley or eat any animal which mixes the categories of creation sketched in the first chapter of the Book of Genesis as a matter of religious principle. All such mixings are deemed "unclean" and contrary to God's will in "separating" or "dividing" the orders of creation. To the Orthodox Jew these practices entail great inconveniences, such as keeping two completely separate sets of eating and cooking utensils. These food laws are not kept under compulsion but out of a desire to keep holy the ways of the Lord.

To the outsider, to sceptics and to agnostics, the religious practices I have discussed above might appear as nonsensical, primitive, devious, manipulative, or oppressive. But, just as belief is in the mind of the

EXHIBIT 3 PAGE 58

346

b ever, so religious practice issues from the body of the believer to give concrete evidence and assurance of release from sin, impurity or spiritual ignorance and to signify to all the hope of redemption, salvation or enlightenment.

Given this 14th day of July, 1985, in St. Louis, Missouri.

Frank K. Flinn
Frank K. Flinn, B.D., Ph.D.

State of Missouri)
) ss
County of St. Louis)

Sworn and subscribed before me this 14th day of July, 1985

Notary Public

My commission expires 2/27/87

JOHN G. PETERSON, ESQ.
PETERSON & BRYNAN
8530 Wilshire Boulevard, Suite 407
Beverly Hills, California 90211
(213) 659-9965

DONALD C. RANDOLPH
CHARLOTTE I. ASHMUN
Members of
OVERLAND, BERKE, WESLEY, GITS,
RANDOLPH & LEVANAS
A Professional Corporation
2566 Overland Avenue, Seventh Floor
Los Angeles, California 90064
(213) 559-8150

Attorneys for Plaintiff and Cross-Defendant
Church of Scientology of California

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

CHURCH OF SCIENTOLOGY OF CALIFORNIA, a California Corporation, Plaintiff, v. GERALD ARMSTRONG, et al., Defendants. AND RELATED CROSS-ACTION	CASE NO. C 420153 DECLARATION OF REVEREND KEN HODEN IN RESPONSE TO JULY 2, 1985 DISCOVERY ORDER

I, REVEREND KEN HODEN, declare as follows:

1. I am the President of the Church of Scientology of Los Angeles. I have been a staff minister with the Church of Scientology for the past 11 years and have received and delivered thousands of hours of pastoral counselling (auditing).

EXHIBIT 3 PAGE 61

2. In its order of July 2, 1985, the Court refers to "verbatim as well as sum and substance type recitals" from

the preclear folders. "Verbatim" and "sum and substance type recitals" are not part of the auditing process and do not appear in any of the internal Church scriptures specifying what an auditor writes down in session. The Court specifies material to be turned over including "name of interviewer." An auditing session is not an "interview" and to refer to it as such is a blatant degradation of this religious practice.

3. Materials and information stored or recorded within the confessional folders (PC folders) are confidential and privileged. Our religious doctrine prohibits any parishioner or person receiving pastoral counselling (auditing) from viewing the contents of their folders. Our religious doctrines also prohibit any external dissemination of preclear folders. Even our attorneys are forbidden to review these folders. The only people who are allowed to view the pastoral counselling folders are authorized Church ministers.

4. I myself have 24 confessional folders (PC Folders), each one containing some 300 pages, and I have never seen the contents of these folders, and I am the President of the Church.

5. The Court refers to GO 121669 for justification in saying that the clergymen-penitent does not apply for the time period during which Armstrong was a member of the Church. The Court refers to GO 121669 for justification for abolishing the clergymen-penitent privilege. Yet nowhere does the program call for a) external dissemination of the preclear folder or b) use of information against anyone.

6. To cause preclear folders or preclear folder

information to be released from the care and control of authorized Church ministers is to cause the destruction of its parishioners' religious freedom and would be a severe violation of Church ecclesiastical policies.

Executed this 29th day of July, 1985, in Los Angeles, California.

I declare under penalty of perjury that the foregoing is true and correct.

REVEREND KEN HODEN

20

15 "uly 79 Write up of his connewtion with blown staff Nanny Francis. Said he kissed he a few times, encouraged her to handle her 2D problems with h usband Tom Francis. When it appeared she was adamant on divarce∂ he took her to Tijuana

12 Aug 79 Getry is promoted to Ensign(prov) by order signed by LRH. Flag Conditions order 3677

30 Aug 79 Shelly, R Services Chief writes Gerry has not handled Brendsa Black yet. Everytime she is sent to get something she spends a long time finding it. Maybe someone else should be put in charge of LRH's gear.

6 Sept 79 Signs a security pledge not to reveal anything about the Church's confidential actions in Calif or any other part of the world.

28 Sept 79 Norm Starkey writes a report that Gerry has been a good worker and always put duty first, and could be trusted.

29 Sept79 Gerry writes to Dir I & R and says he doesn't want to be on any justice actions for a while as he has too much work & his seniors are away, and the one he just finished caused him to lose too much sllep- making driving dangerous.

20 Oct Gerry is the chairman on a comm ev on Becky Pook.

3 Nov 79 Commendation from Jon Horwich for handling some R Renos cycles/

7 Nov 79 Compliance report to LRH to order dated 24 Sept 79- to work out a soloution so the wet areas outside the house don't get trached in on the carpets. He did the cycle- getting indoor and outdoor carpet mats.

6 Dec 79 "erry requests a chit from Anne Taskett be withdrawn. Says he gave incomplete data to his seniors and upset s were caused as a result. (Ann says this)

Jan 80 Gerry Blew from the purif- no comm to the C/S at all.

1930 GERRY ARMSTRONG'S NAME IS ON A LIST OF PEOPLE WHOSE PARENTS HAVE GIVEN SCIENTOLOGY A HARD TIME.

Feb 18 80 Report(Commendation chit)O From Dawn Preger to Laurel states Gerry did a lot of research into DIVE BOMBER. Was thanking Laurel for her help at a SEF event. Chit same date on Gerry (Commendation) states he did a lot of work researching LRH's role in the film- Dive Bomber.

---

7 Apr 80 Jerry got off an ov in session that he had an out 2D with Liz Lee.

9 Apr 80 Does lowers on first dynamic(Doubt) on up.

8 Apr 80 Report from Laurel Sullivan- says he did documentation on the purif- very thourough- is back on the biographical material, that in some cases he does what he wants to - regardless of orders, He is now auditing on OT I & II- which is his first case progress in a long time. He sin8t get along with Shirley but this got sorted out when Laurel threatened to throw them both out in the hall.

E. 352

GERRY ARMSTRONG PROJECT

17 Feb 82

Project information: Gerry Armstrong is a blown SO Member who had access to a lot of sensitive information; he is now disaffected, from what we can see. He is hiding out apparently. He knows the GO has been looking into him, so he has been laying low to avoid this. So we don't know where he is currently and he is expecting us to approach him on a covert line. So this presents the trickiest of problems. It would undoubtedly antagonize him further if any of our investigation efforts became known to him. Yet we still need to know what he's up to.

Project purpose: To obtain a means of predicting Armstrong's activity in such a way that there is no possibility of backflash.

Step 1) The first thing we need to do is to locate him. Those few people who know where he is probably are on the look out for GO inquiries. However, he is going to have to get a job soon to earn a living, by law he must notify the DMV when he moves - he might do this. and there are other things like that which can be checked and which may give us his location once he starts operating in the wog world again. These can be checked once we get his birthday and social security number. These should be available from his personnel records and his treasury records. So the steps would be:

a) Telex Flag and SU to locate his personnel file and to get his ss number from payroll records.

b) Use this data to check DMV, the post office, or any other source to locate him in a way that he would not be aware of it.

Step 2) Go through his files and folders to extract the names of people who knew him and who are still well connected up and completely trustworthy. Interview these people to find out who Gerry's close friends were and to see if he had any relatives in this area (we could then follow up to see if he might be staying with them).

Step 3) Determine which locations would be likely places that Gerry might be staying, assuming that he would be staying with friends or relatives. Check these out, either by physical surveillance or other means, to determine if he's there.

Step 4) Note that Gerry had tried to get OVG to hire him as a researcher after he blew. It could be that he gave a PT address to OVG. This should be checked out by going through the proper people who have a line to OVG to see if this can be done or if he has it.

Step 5) Conditional: If GA has not been located at this point by doing the above steps, then review what has been done and work out further actions that could be done to locate him.

Step 6) Once he is located, determine where he is currently working. This may entail following him to see where he works.

Step 7) Once it is established where he works, see what opportunities might exist there for setting up an inquiry line from an apparent "wog" angle. He might not be expecting that at all.

Step 8) Review his files for people who had a good commline with him and who are no longer on staff, and who would be trustworthy.

Step 9) Once the list of candidates has been selected from step 8 above, do a complete check on these people (discreetly) to see what their current status, demeanor, attitude, etc., are as regards their potential willingness to help us on this cycle.

Step 10) Using standard and discreet recruitment tech, interview the trustworthy candidates to see if they can be used as a resource.

- more -

Step 11) Arrange a suitable cover story and other standard procedures, such as a plausable reason for the resource to be contacting GA, etc.

Step 12) Initiate the commline and procede from there, on that line.

Step 13) Have a PT investigation done on Scott Brown in Phoenix, Arizona. He was running a squirrel group there and may have some sort of group going that could be entered by a public person. This needs to be checked out either via LV GO, or simply by sending a GLA resource to Phoenix for a day or two.

Step 14) Conditional: If it looks lika an entrance point can be arranged through Scott Brown in Phoenix, this will have to be separately targetted out and persued. Perhaps we could get someone connected up to him in Phoenix who then moves to LA and connects up with the Brown family or Gerry here. That might be sufficiently subtle; GA might not suspect someone from Phoenix as he knows we don't have a GO there.

Step 15) Persue the potential existing line that might be available to us via a trusted GAS who is a writer and who is respected by Gerry. This would require some reach from Gerry, though, as he might be suspicious if this GAS made a big reach for him.

Step 16) If the product has not been achieved at this point, review the steps taken so far and debug or replan as needed.

End.

EXHIBIT 3 PAGE 62.

(164)

6477

PAC Mgmt Chief US
cc: AG GLA

cc: PES USGO
cc: DG I US
cc: Org P&E Info US

DAILY REPORT

AG I GLA

22 Feb 82

Dear Roberta,

RE: GERRY ARMSTRONG

Today we telexed SU via DG I US to get Gerry's birthday and social security number from his payroll records. That will enable us to check other areas in the wog world to see if he can be located.

We also verified that his wife's parents were last known to be living in Phoenix. That means that with his parents in Vancouver and hers in Phoenix, that will make it harder to verify our theory that they would be staying with one of their parents' houses.

Also today, Debbie liased with DG I US to see how we can check with OVG to see if he knows anything about Gerry's whereabouts.

It has become obvious to us that there is a lot of omitted data on Gerry - that even though SU and Flag have sent us all their files on him, there still seems to be a lot missing. So tomorrow we will go through all his files to look for indicators as to where more files might be, and also to see who might be able to give us any information about him or any misdeeds he may have committed while on staff.

That's all. This is OK.

ML,

Brad

EXHIBIT 3 PAGE 67

G. 355

5-7-8

DECLARATION OF GERALD ARMSTRONG

I, GERALD ARMSTRONG, declare:

(1) In the case of Julie Christofferson-Titchbourne v. Church of Scientology of California, et al., Multnomah County, Oregon, Circuit Court No. 7704-05184, currently being tried in Portland, Oregon, defendant organization was ordered to produce my B-1 files. B-1 is Bureau One, the Intelligence Bureau of the Guardian's Office.

(2) Although the names B-1 and Guardian's Office have been changed, the same intelligence functions are still performed by Scientology connected organizations. I was present in court during the Christofferson trial, when Howard Gutfeld, a Scientology representative, testified that B-1, intelligence files and private investigator reports are now maintained in the Office of Special Affairs, a branch of Scientology.

(3) Defendant organization in Christofferson produced approximately five inches of materials from my B-1 files. Many of the intelligence reports or operations programs referenced in the B-1 materials produced, have been deleted by defendant organization. Nevertheless, the materials which were produced are completely relevant in the instant case. The materials produced are all internal Scientology correspondence or programs, and there is no correspondence to or from attorneys.

356

H.

(4) There are numerous references to my preclear (pc) files in the produced B-1 materials, and there are entries in the B-1 time track, the chronology that forms part of the B-1 materials, which show unequivocally that Scientology intelligence personnel had my pc files after I left the organization, and excerpted data for intelligence use. One such entry uses the words "in session" as source of an account of a sexual encounter I had with a woman. "In session" means that the information came from the auditor's reports in an "auditing session."

(5) My pc folders were used as well in the operation by Scientology/Hubbard against me which resulted in the illegal videotaping of me in a series of conversations with individuals who represented to me that they sought to reform the organization and correct its abuses. There are statements on the videotapes which substantiate the fact that my pc folders were used as a lure to entrap me.

(6) Just after the trial in the defense part of the instant case and just prior to my going to London, England to testify in a child custody case, I received a call from someone whom I later confirmed was "Joey," the intelligence operative videotaped along with me in the November 7 and 9, 1984 meetings. In the telephone call, Joey said that my pc folders were being moved and I would be able to get them if I wanted. He said that my folders would be in a certain place the next night where I would be able to pick them up.

I asked him if it could be at all construed that I would be accepting stolen property and he said he didn't know. For that reason and because I was leaving for London, I declined Joey's offer. This phone call is discussed in the November 7, 1984 videotape.

(7) In another November, 1984 meeting with Mike Rinder, another Scientology operative, which meeting was also surreptitiously videotaped, my pc folders were also discussed. Rinder stated that (following the Armstrong trial) my folders were moved from Clearwater. This was probably a lie, since the whole operation against me was based on lies by the organization, but it did show Rinder's knowledge of the use of my pc folders in the operation.

(8) The idea to use my pc folders to entrap me arose from a "debrief" by my former wife, Terri Gamboa, of a meeting we had in March, 1984 just prior to the Armstrong trial. This "debrief," attached hereto as Attachment A, was recently produced by Scientology as part of my B-1 files and was admitted into evidence in the Christofferson trial. The "briefing" and all other programs and documentation which arose from this "debrief," have not been produced.

(9) Regarding my pc folders, Mrs. Gamboa states in Attachment A, page 4, paragraphs 6 and 7:

> "An important point for him was getting his pc folders back as he feels that that's the solution

358

> to his future sanity. He brought this up several times.
>
> A line has been established with him and possibly this can be built up from here and used again in the future. He is desperate and he has no way out at this point."

Terri Gamboa was then working for Author Services, Inc., yet the "debrief" was in Scientology intelligence files.

(10) There is no doubt that Scientology/Hubbard or their connected corporations have used my pc folders, and used the information and the folders themselves to entrap, intimidate and destroy me. The folders and contents are mine and these organizations do not have the remotest right to them.

Sworn under the pains and penalties of perjury this 7th day of May, 1985.

Executed at Portland, Oregon.

Gerald

GERALD ARMSTRONG

Cynthia Chandler

Notary Public for Oregon
My Commission expires: 5/11/87

359

PLAINTIFF'S
EXHIBIT
254

12 March 1984

DEBRIEF - GERRY ARMSTRONG MEETING - 8 MARCH 84

I met with Gerry Armstrong on Thursday, 8 March 84 to see if I could do any kind of a handling on him to get him to knock off the war and back out of the suit or anything in this direction.

I phoned him on Tuesday the 6th and told him that I would like to meet with him as a friend to see if I could help him in any way. He was agreeable to a meeting, I asked if he was going to bring his wife and he said he would see if she wanted to come and if she did then she would come, otherwise she wouldn't. (He was in Apathy/Boredom)

On Thursday I met with him at 10:00 in the morning up at the Griffith Park Observatory. I arrived 20 minutes late. They drove up behind me, but I found out they had waited 20 minutes and given up, they left but saw me coming up the hill so turned around and came back. So they definitely wanted the meeting. His wife did come so I asked if she could wait for us as I wanted to speak to him alone. They agreed to this.

From the point that he had gotten out of the car, he looked very hostile with a very stern face. His eyes and face looked very insane.

He came over to me and we walked away to talk and I just opened up with regular small talk but the first thing he did was stick his notebook in my face and written on it was "You said that you could help me, so how can you help me?"

Anytime I tried to say something to him, he would just put the notebook in front of me without saying a word, in other words, he didn't want to give me any information or get into anything other than hear what I had to say and how I could help.

I told him that I just wanted to see him uninvolved from all this, I didn't think he needed to keep carrying on this war and that he could end it just by getting out of the suit before it got worse for him and before he ended up owing even more money.

He started to rant and rave to me about how Scientology and LRH had lost him 15 years of his life because it had done him in and jerked him around and screwed him over and so on and so on, ranting and raving insanely. He definitely wanted to get out of the suit but has a $100 to $150,000 debt to his attorneys which he absolutely must pay as they are his "friends" and he "owes them his life for saving him from all this".

I pointed out that he stole the documents and started this whole thing himself, all he had to do was give back the documents and he could end the whole thing. He disagreed of course that he had stolen the documents and said that those documents are vital to proving that he's been screwed around and jerked around with for years. He wants his pc folders very much so that he can regain his sanity by "sorting out what Scientology did to him and unravel it". He kept hinting at wanting some sort of an offer from the Church to help him pay off the attorneys as he is not willing to step out of this and be left economically busted for the rest of his life, as he puts it. I pointed out that there is no way that the Church is going to pay any of his attorney bills as he stole the documents and started the whole thing - the best he can do is to get out before it's worse.

I told him about the recent win in the LA case where the judge ruled that Scientology is a religion etc., etc.... He mentioned that he didn't know about this, but so what type of a response.

He would consistently rant and rave about how Scientology is screwing the world and it's worse than the government and this and that. He would flip into about 100 different valences all at once. He said that he still thinks I'm over the litigation and who am I going to go back and report to and did I get what I came for and here I am just jerking him around like all the others. He saw Marty already and he got jerked around by Marty and now he's getting jerked around by me.

I told him he was jerking me around as I came as a friend to talk to him and he wasn't even willing to talk he just ranted and raved about things that I don't even want to hear, and he might think and believe those things on Scientology and LRH and that's fine but there's millions of other people who don't and I don't and I didn't come here to listen to him carry on about this bullshit. At this point he would knock it off as he could see that I was willing to end the meeting if he did continue. Then we would start having a somewhat sane discussion for a few minutes before the ranting and raving started up again. He compulsively had to rant and rave about Scientology and LRH.

Then he started telling me about his little bird that he has at home and how it speaks 100 different words and it's the sanest part of his life. And then in the middle of this decent conversation, he blurts out "And don't you send one of your people around to kill him!".

He is constantly on the alert and look out for snipers

EXHIBIT 3 PAGE 74

up at Griffith Park he would constantly look around, in the bushes and check everywhere in case I had set him up. Somebody burst a balloon up there and he almost had a heart attack thinking someone had fired a shot at him.

He said that Scientology has operations out on him trying to kill him and someone (one of us) tried to run him off the freeway and so on. Then he said that he would rather be dead than fighting this way and maybe we would do him the favor of killing him because then it would be all over and he wouldn't have to worry about it anymore and he'd be dead. He said how he can't have any friends because he's afraid of getting close to anybody in case they're a spy for Scientology or whatever. He brought up the SP declare and all the things that are stated in it and how they were not true and they're very out of hand. He again mentioned his pc folders and asked me if I could pass on a message that he wanted his pc folders back. He then asked me to take a message back - "Here I'll give you something to take back to them...If I delivered all the documents to the Church, would they agree they could never be made public under any circumstances, or barring that, under what circumstances would they be made public?" He said "Ask them that, I'd like to know that."

I then asked him why he wanted to know the above as the way he said it was very different from the way he had just been carrying on - it was like a change in his insane ravings and it didn't fit in with his other statements, so I asked him why did he want to know this.

He didn't answer me for awhile (he was sort of daydreaming) and then finally said he didn't know and didn't care and he didn't really want the answer to the question anyway, he just threw it out there and it wasn't really him asking the question anyway. He didn't ask the question, he didn't want to know, it was just during one of his moments of insanity. He said that this whole case and procedure is driving him insane.

I told him I was sorry I couldn't be of more help, but if in the future there was some way I could help him, he could give me a call, he had my phone number already, so I left the line open for the future. I recommended to him that he take a vacation to get away from it all and just let himself destimulate. He said he can't because he's got a trial coming up on the 22nd of March. We started walking back towards the cars and as I walked towards my car, he said "where are you going?", I said "I'm going to my car", he said "Well, uh..." (obviously stalling and wanting to still continue the conversation but not really knowing what to say), he then said "Well don't you want to talk to Jocelyn?" (his wife). I said if you want me to I will. He said "Well I think she might want to talk to you or I think it would be good if you talk to her." We went over to where his wife was standing.

As soon as we got there he switched again to a totally different valence and in a very 1.1 type comment he said "So did you get what you came here for? Are you satisfied? Did you get the data you wanted?" She caught on that something was strange and said "Are you finished talking or do you want me to leave while you continue your discussions?" He said "No, that's fine, we're done." Then he said to me again, "Well did you feel you accomplished much?" And I said, "Well, I'd have to ask you, because I came here to help you, so if you don't feel I was any help, then obviously not." That shut him up and he stopped attacking me. He asked his wife if she wanted to speak to me and she said "I have nothing to say", so I didn't speak with her. I just gave her a friendly smile and indicated we could talk if she wanted to. She didn't. We walked towards the cars and he asked me if my last name was still Gamboa and I said it was. And then we bid each other good-bye and drove away.

SUMMARY

To sum it up, he was pretty nutso and very hard to communicate with as he would be in the middle of a ranting and raving insanity and I'd find that I would have to constantly try and communicate through this. I'd get him to knock it off for a second so that I could actually communicate to him and this would actually work, but then within the next couple of minutes he'd be back into it again so it wouldn't last long.

I did at least establish a comm line with him and I think it is something that I can build on in the future if we want to. He is willing to meet with me and talk with me, however, he trusts no one. He lives in a world of total fear and paranoia of everything and everybody.

It is obvious to me and clear by his statements and actions that he definitely wants out of this suit and he definitely wants help. But he needs the money to pay off his attorneys and that's what he's after - he's hoping that the Church will give him an offer. He has no other way out in his eyes and no way does he want to drop out of this with a debt that will last him for the rest of his life.

He is very desperate for a way out and I feel he would be willing to talk to anybody who might have anything to suggest, only because he'd be hoping that they're going to offer him something that will actually help.

An important point for him was getting his pc folders back as he feels that that's the solution to his future sanity. He brought this up several times.

A line has been established with him and possibly this can be built up from here and used again in the future. He is desperate and he has no way out at this point.

Terri Gamboa

HUBBARD COMMUNICATIONS OFFICE
Saint Hill Manor, East Grinstead, Sussex

HCO BULLETIN OF 24 AUGUST 1964

[redacted]

Remimeo
Sthil Students
Franchise

SCIENTOLOGY I TO VI

SESSION MUST-NOTS

Not that you would do such a thing—you undoubtedly already know better. But just as a matter of record, the following session must-nots should be taught in letters of fire to any new auditor.

I

NEVER tell a pc what his present time problem is.

The pc's PTP is exactly and only what the pc thinks or says it is.

To tell a pc what his PTP is and then audit what the auditor said it was will inevitably ARC Break the pc.

This of course is under the heading of Evaluation in the Auditor's Code and is one way of evaluating, a very serious way too.

II

NEVER set a goal for a pc.

Don't set a session goal, a life or livingness goal or any other kind of a goal.

Auditors get tangled up on this because everybody has the same R6 goals and when you call out the next goal from the list it appears you are giving the pc a goal. But an R6 educated pc knows that and it isn't evaluation.

Other goals are highly variable. The pc's life and livingness goals and session goals are especially variable pc to pc and even within one session on the same pc.

To tell a pc what goals to set for a session or for life is to upset the pc.

If you don't believe it, trace some pc's upsets with their parents and you will find these usually trace back to the parents' setting life and livingness goals for the child or youth.

The pc's session and life and livingness goals are the pc's and for an auditor to deny, refute, criticize or try to change them gives ARC Breaks; and for an auditor to dream up a brand new one for the pc is especially evaluative.

III

NEVER tell a pc what's wrong with him physically or assume that you know.

What's wrong with the pc is whatever the pc says or thinks is wrong physically.

This applies of course only to processing, for if you *weren't* auditing the person, and if the person had a sore foot and you found a splinter in it and told him so, it would be all right. But even in this case the person would have had to tell you he had a sore foot.

The main reason society has such a distaste for medical doctors is the MDs' continuous "diagnosis" of things the person has *not* complained of. The violence of surgery, the destruction of lives by medical treatment rather educates people not to mention certain things. Instinctively the patient knows that the treatment may leave him or her in much worse condition and so sometimes hides things. For the medical doctor to cry "Aha" and tell the person he or she has some undefinable ill is to drive many into deep apathy *and accounts for the high frequency of operational shock* wherein the person just doesn't recover.

So NEVER tell a pc what is physically wrong with him. If you suspect something is physically wrong that some known physical treatment might cure send the pc for a physical check-up just to be safe.

In the field of healing by mental or spiritual means, the pc is sick because he or she has had a series of considerations about being sick. Deformity or illness, according to the tenets of mental healing, traces back to mentally created or re-created masses, engrams or ideas which can be either *de*-stimulated or erased completely. De-stimulation results in a temporary recovery for an indefinite period (which is nonetheless a recovery). Erasure results in permanent recovery. (De-stimulation is the most certain, feasible and most rewarding action below Level VI; erasure below Level VI is too prone to error in unskilled hands as experience has taught us.)

The reality of the auditor is often violated by a pc's statement of what ails him. The pc is stone blind—but the pc says he has "foot trouble". Obviously, from the auditor's viewpoint, it is blindness that troubles this pc. BUT IF THE AUDITOR TRIED TO AUDIT THE AILMENT THE PC HAS *NOT* OFFERED, AN ARC BREAK WILL OCCUR.

The pc is ailing from what the pc is ailing from, not from what the auditor selects.

For it is the statement of the pc that is the first available lock on a chain of incidents and to refuse it is to cut the pc's communication and to refuse the lock. After that you won't be able to help this pc and that's that.

PERMITTED AUDITOR STATEMENTS

There are, however, two areas where the auditor must make a statement to the pc and assume the initiative.

These are in the OVERT—MOTIVATOR SEQUENCE and in the ARC BREAK.

A

When the pc is critical of the auditor, the organization or any of many things in life, this is *always* a symptom of *overts* priorly committed by the pc.

The pc is looking for motivators. These criticisms are simply justifications *and nothing more.*

This is a sweeping fully embracive statement—and a true one. There are *no* criticisms in the absence of overts committed earlier by the pc.

It is quite permissible for the auditor to start looking for the overt, providing the auditor finds it and gets it stated by the pc and therefore relieved.

But even here the auditor only states there is an overt. The auditor NEVER says what the overt is for that's evaluation.

You will be amazed at what the pc considered was the overt. It is almost never what we would think it should be.

But also, an auditor whose pc is critical of him or her in session who does not say, "It sounds like you have an overt there. Let's find it," is being neglectful of his job.

The real test of a professional auditor, the test that separates the unskilled from the skilled is: CAN YOU GET AN OVERT OFF THE PC'S CASE WITHOUT ARC BREAKING THE PC AND YET GET IT OFF.

366

The nice balance between demanding the pc get off an overt and getting it off and demanding the pc get off an overt and failing to get it off but ARC Breaking the pc is the border line between the unskilled and the professional.

If you demand it and don't do it you'll ARC Break the pc thoroughly. If you fail to demand it for fear of an ARC Break you'll have a lowered graph on the pc. The pro demands the overt be gotten off only when necessary and plows on until it's gotten off and the pc brightens up like a lighthouse. The amateur soul-searches himself and struggles and fails in numerous ways—by demanding the wrong overt, by accepting a critical comment as an overt, by not asking at all for fear of an ARC Break, by believing the pc's criticism is deserved—all sorts of ways. And the amateur lowers the pc's graph.

Demanding an overt is not confined to just running O/W or some similar process. It's a backbone auditing tool that is used when it has to be used. And not used when it doesn't have to be.

The auditor must have understood the whole of the overt-motivator theory to use this intelligently.

B

Indicating by-passed charge is a necessary auditor action which at first glance may seem evaluative.

However, the by-passed charge is *never* what the pc says it was if the pc is still ARC Broken.

By-Passed Charge is, however, found by the meter and the pc has actually got it or it wouldn't register. So the pc has really volunteered it in a round-about way—first by acting like he or she has by-passed charge and then by bank reaction on the meter.

Always indicate to the pc the by-passed charge you *find on the meter.*

Never tell a pc what the by-passed charge is if you don't know.

A Class VI auditor knows all goals but *the* goals are wrong and often sloppily just tells people at random they have "a wrong goal" knowing this to be probable. But it's very risky.

If you find it on the meter, telling the pc what the by-passed charge is is not evaluation. Telling the pc "what it is" without having found it *is* evaluation of the worst sort.

L. RON HUBBARD

LRH:jw.cden
Copyright © 1964
by L. Ron Hubbard
ALL RIGHTS RESERVED

SAINT HILL SPECIAL BRIEFING COURSE LECTURES
1 – 3 September 1964

** 6409C01	SHSBC-37	The PE Course
** 6409C03	SHSBC-38	Clearing – What It Is

DIANETICS AND SCIENTOLOGY

TECHNICAL DICTIONARY

by

L. Ron Hubbard

Publications Organization
Los Angeles

368 EXHIBIT 3 PAGE 80

T

AA

CREATE, make, manufacture, construct, postulate, bring into beingness. (*FOT*, p. 20)

CREATE-COUNTER-CREATE, to **create** something against a **creation**, to **create** one thing and then **create** something else against it. (*FOT*, pp. 20-21)

CREATE-CREATE-CREATE, **create** again continuously one moment after the next=SURVIVAL. (*FOT*, p. 20)

CREATIVE IMAGINATION, **imagination**, whereby in the field of aesthetics the urges and impulses of the various dynamics are interwoven into new scenes and ideas. (*SOS*, Bk. 2, p. 101)

CREATIVE PROCESSING, 1. the exercise by which the pc is actually putting up the physical universe. (SH Spec 52, 6502C23) 2. **creative processing** consists of having the preclear make, with his own **creative** energies, a mock-up. (*COHA* Gloss)

CRIMINAL, 1. one who is unable to think of the other fellow, unable to determine his own actions, unable to follow orders, unable to make things grow, unable to determine the difference between good and evil, unable to think at all on the future. Anybody has some of these; the **criminal** has ALL of them. (*NSOL*, p.78) 2. one who thinks help cannot be on any dynamic or uses help on anyone to injure and destroy. (HCOB 28 May 60) 3. **criminals** are people who are frantically attempting to create an effect long after they know they cannot. They cannot then create decent effects, only violent effects. Neither can they work. (*FOT*, pp. 31-32)

CRISS-CROSS, see 3DXX.

CRITICAL THOUGHT, 1. a symptom of an overt act having been committed. (SH Spec 37, 6409C01) 2. a **critical** pc=a withhold from the auditor. (HCOB 23 Aug 71)

CRITICISM, 1. most **criticism** is justification of having done an overt. There are rightnesses and wrongnesses in conduct and society and life at large, but random, carping 1.1 **criticism** when not borne out in fact is only an effort to reduce the size of the target of the overt. (HCOB 21 Jan 60, *Justification*) 2. a

6492

HUBBARD COMMUNICATIONS OFFICE
Saint Hill Manor, East Grinstead, Sussex

HCO BULLETIN OF 21 JANUARY AD10

Fran Hldrs
HCO Secs
Assn Secs
HCO and HASI Staffs

JUSTIFICATION

EXHIBIT 3 PAGE 82

When a person has committed an overt act and then withholds it, he or she usually employs the social mechanism of justification.

We have all heard people attempt to justify their actions and all of us have known instinctively that justification was tantamount to a confession of guilt. But not until now have we understood the exact mechanism behind justification.

Short of Scientology Auditing there was no means by which a person could relieve himself of consciousness of having done an overt act except to try to *lessen the overt.*

Some churches used a mechanism of confession. This was a limited effort to relieve a person of the pressure of his overt acts. Later the mechanism of confession was employed as a kind of blackmail by which increased contribution could be obtained from the person confessing. Factually this is a limited mechanism to such an extent that it can be extremely dangerous. Religious confession does not carry with it any real stress of responsibility for the individual but on the contrary seeks to lay responsibility at the door of the Divinity—a sort of blasphemy in itself. I have no axe to grind here with religion. Religion as religion is fairly natural. But psychotherapy must be in itself a completed fact or, as we all know, it can become a dangerous fact. That's why we flatten engrams and processes. Confession to be non-dangerous and effective must be accompanied by a full acceptance of responsibility. All overt acts are the product of irresponsibility on one or more of the dynamics.

Withholds are a sort of overt act in themselves but have a different source. Oddly enough we have just proven conclusively that man is basically good—a fact which flies in the teeth of old religious beliefs that man is basically evil. Man is good to such an extent that when he realizes he is being very dangerous and in error he seeks to minimize his power and if that doesn't work and he still finds himself committing overt acts he then seeks to dispose of himself either by leaving or by getting caught and executed. Without this computation Police would be powerless to detect crime—the criminal always assists himself to be caught. Why Police punish the caught criminal is the mystery. The caught criminal wants to be rendered less harmful to the society and wants rehabilitation. Well, if this is true then why does he not unburden himself? The fact is this: unburdening is considered by him to be an overt act. People withhold overt acts because they conceive that telling them would be another overt act. It is as though Thetans are trying to absorb and hold out of sight all the evil of the world. This is wrong-headed, by withholding overt acts these are kept afloat in the universe and are themselves as withholds entirely the cause of continued evil. Man is basically good but he could not attain expression of this until now. Nobody but the individual could die for his own sins—to arrange things otherwise was to keep man in chains.

In view of these mechanisms, when the burden became too great man was driven to another mechanism—the effort to lessen the size and pressure of the overt. He or she could only do this by attempting to reduce the size and repute of the terminal. Hence, not-isness. Hence when a man or a woman has done an overt act there usually follows an effort to reduce the goodness or importance of the target of the overt. Hence the husband who betrays his wife must then state that the wife was no good in some way. Thus the wife who betrayed her husband had to reduce the husband to reduce the overt. This works on all dynamics. In this light most criticism is justification of having done an overt.

370

K

This does not say that all things are right and that no criticism anywhere is ever merited. Man is not happy. He is faced with total destruction unless we toughen up our postulates. And the overt act mechanism is simply a sordid game condition man has slipped into without knowing where he was going. So there are rightnesses and wrongnesses in conduct and society and life at large, but random, carping 1.1 criticism when not borne out in fact is only an effort to reduce the size of the target of the overt so that one can live (he hopes) with the overt. Of course to criticise unjustly and lower repute is itself an overt act and so this mechanism is not in fact workable.

Here we have the source of the dwindling spiral. One commits overt acts unwittingly. He seeks to justify them by finding fault or displacing blame. This leads him into further overts against the same terminals which leads to a degradation of himself and sometimes those terminals.

Scientologists have been completely right in objecting to the idea of punishment. Punishment is just another worsening of the overt sequence and degrades the punisher. But people who are guilty of overts demand punishment. They use it to help restrain themselves from (they hope) further violation of the dynamics. It is the victim who demands punishment and it is a wrong-headed society that awards it. People get right down and beg to be executed. And when you don't oblige, the woman scorned is sweet-tempered by comparison. I ought to know—I have more people try to elect me an executioner than you would care to imagine. And many a preclear who sits down in your pc chair for a session is there just to be executed and when you insist on making such a pc better, why you've had it, for they start on this desire for execution as a new overt chain and seek to justify it by telling people you're a bad auditor.

When you hear scathing and brutal criticism of someone which sounds just a bit strained, know that you have your eye on overts against that criticised person and next chance you get pull the overts and remove just that much evil from the world.

And remember, by and by, that if you make your pc write these overts and withholds down and sign them and send them off to me he'll be less reluctant to hold on to the shreds of them—it makes for a further blow of overts and less blow of pc. And always run responsibility on a pc when he unloads a lot of overts or just one.

We have our hands here on the mechanism that makes this a crazy universe so let's go for broke on it and play it all the way out.

L. RON HUBBARD

LRH:js.rd

Copyright © 1960
by L. Ron Hubbard
ALL RIGHTS RESERVED

[redacted]

HUBBARD COMMUNICATION
Saint Hill Manor, East Grinstead, Sussex

HCO POLICY LETTER OF 25 FEBRUARY 1966

Remimeo
Exec Sec Hats
HCO Sec Hat
Legal Officer Hat
LRH Comm Hat
Dist Sec Hat
Press Hat
Sec: 5 Dept 3

HCO Div
LRH Comm

ATTACKS ON SCIENTOLOGY
(Additional Pol Ltr)

Anyone proposing an investigation of or an "Enquiry" into Scientology must receive this reply and no other proposal:

"We welcome an investigation into (Mental Healing or whoever is attacking us) as we have begun one ourselves and find shocking evidence."

You can elaborate on the evidence we have found and lay it on thick attacking the attackers only.

NEVER agree to an investigation of Scientology. ONLY agree to an investigation of the attackers.

This was the BIG error made in Victoria. I okayed an Enquiry into all mental healing. I ordered evidence on psychiatric murders to be collected. Non-Compliance with these orders brought on the loss of Melbourne and the law in Victoria against Scientology. This was the non-compliance that began it. The original order I gave was relayed as "we welcome an Enquiry into Scientology...." or it was changed to that in Melbourne.

This is correct procedure:

(1) Spot who is attacking us.

(2) Start investigating them promptly for FELONIES or worse using our own professionals, not outside agencies.

(3) Double curve our reply by saying we welcome an investigation of them.

(4) Start feeding lurid, blood, sex, crime actual evidence on the attackers to the press.

Don't ever tamely submit to an investigation of us. Make it rough, rough on attackers all the way.

You can get "reasonable about it" and lose. Sure we have nothing to hide. Sure we break no laws. BUT attackers are simply an anti-Scientology propaganda agency so far as we are concerned. They have proven they want no facts and will only lie no matter what they discover. So BANISH all ideas that any fair hearing is intended and start our attack with their first breath. Never wait. Never talk about us - only them. Use their blood, sex, crime to get headlines. Don't use us.

I speak from 15 years of experience in this. There has never yet been an attacker who was not reeking with crime. All we had to do was look for it and murder would come out.

They fear our Meter. They fear freedom. They fear the way we are growing. Why?

Because they have too much to hide.

When you use that rationale you win. When you go dishwater and say "We honest chickens just plain love to have you in the coup, Brer Fox," we get clobbered. The right response is "We militant public defenders of the freedoms of the people want Brer Fox investigated for eating living chickens." Shift the spotlight to them. No matter how, Do it!

You can elaborate on the formula. Let's say some other branch of government wants to investigate us via the press. Just apply the formula.

EXHIBIT 3 PAGE 84 L. 372

Rueher
#18

"We welcome a public enquiry into (that branch activity) as we have begun to investigate their (----)." It will always work. It would have worked on the U.S. F.D.A. when they first began five years ... their raid on D.C. They run! And that's all we want.

HOW TO STOP ATTACKS

The way we will eventually stop all attacks from there on out is by processing the society as follows:

(1) Locate a source of attack on us.

(2) Investigate it.

(3) Expose it with wide lurid publicity.

You see the same thing in a preclear. He has a rotten spot in his behaviour. He attacks the practitioner. The spot is located on a meter. It blows and the preclear relaxes.

Well this is just what is happening in the society. We are a practitioner to the society. It has rotten spots in it. Those show up in attacks on us. We investigate and expose - the attack ceases.

We use investigators instead of E-Meters. We use newspapers instead of auditor reports. But it's the same problem exactly.

So long as we neglect our role as auditor-to-the-society we will be attacked.

Society is pretty crazy. It's a raw jungle. So it will take a lot of work. We must be willing to put in that work as a group or we'll be knocked about.

Remember, CHURCHES ARE LOOKED UPON AS REFORM GROUPS.

Therefore we must act like a reform group.

The way to seize the initiative is to use our own professionals to investigate intensively parts of the society that may attack us. Get an ammunition locker full. Be sure of our facts. And then expose via the press.

If we do this right, press, instead of trying to invent reasons to attack us will start hanging around waiting for our next lurid scoop.

We must convert from an attacked group to a reform group that attacks rotten spots in the society. We should not limit ourselves to mental healing or our own line. We should look for zones to investigate and blow the lid off and become known as a mighty reform group. We object to slavery, oppression, torture, murder, perversion, crime, political sin and anything that makes Man unfree.

The only error we can make is disperse our investigation. We do a preliminary look, then we must select a target and investigate it until we have the cold facts and then BANG, fire the salvo.

Don't worry about libel if our facts indicate rottenness. The last thing that target will do is sue as then we would have a chance to prove it in court, which they are terrified of our doing.

Remember - the only reason we are in trouble with the press or governments is that we are not searching out and exposing rotten spots in the society. We must practice on the whole group called society. If we do not it will attack us just as a preclear will attack a Scientologist that won't audit him.

To get wholly over to cause we must select targets, investigate and expose before they attack us.

We have at this writing a long way to go. But we might as well

EXHIBIT 3 PAGE 85

[illegible]

start somewhere. Begin by investigating any attacking group, find and expose the dead bodies. Then work on to our selecting the targets.

And that will handle it all.

L. RON HUBBARD

LRH::nl::ldm

Copyright (c) 1966
by L. Ron Hubbard
ALL RIGHTS RESERVED

374

Plfs' EXH 4 FOR ID
PAT AYERS, NP-CSR
DATE 4-24-90
WITNESS G. Armstrong
PAGE 1 OF 14

11-18-86

DECLARATION OF GERALD ARMSTRONG

I, GERALD ARMSTRONG, declare as follows:

1) I have been advised by my attorney, Julia Dragojevic, that cross-defendant organization has moved to continue the trial of the cross-complaint, now set for January 19, 1987. The organization has offered three reasons for its motion: A) it was not aware of a "brainwashing" claim until it got my response to its motion for summary adjudication on the application of statutes of limitation to the pc file issue; B) it wants to first get the Appeals Court decision in the document case; C) it needs more time for discovery.

2) "Brainwashing" is the organization's term. It cannot profess ignorance of the subject as L. Ron Hubbard wrote as early as 1956 in a "Technical Bulletin" attached hereto as Exhibit A:

> "We (Scientology) know more about psychiatry than psychiatrists. We can brainwash faster than the Russians (20 secs to total amnesia against three years to slightly confused loyalty)."

And the organization cannot honestly claim that any mention by me of Hubbardian or organization mind control is a new surprise. Attached hereto as Exhibit B are two pages from a declaration I filed in 1982 in which I state:

> "What most Scientologists, and especially Sea Org members don't know is that Mr. Hubbard had duped

375

Q

④

> them. My knowledge based on documentation and observation, is that the major reason for Mr. Hubbard's calling Scientology a 'religion,' in addition to tax evasion, is to hide behind Constitutional guarantees for religions and so carry out his scheme of mind control to keep his followers duped. He has systematically and knowingly lied to and defrauded his followers, kept them from finding out the truth or becoming free with cruel and bizarre treatment, as for example with the RPF, and kept them economically and mentally suppressed, while he made millions of dollars from their labor."

The Court touched on mind control in the decision in the document case:

> "....the Church or its minions is fully capable of intimidation or other physical of psychological abuse if it suits their ends. The record is replete with evidence of such abuse."

And common sense yields only mind control as the explanation for the years of submission to the abuse.

The organization has known of its own practices for decades, has known for over four years that I defined some of those practices as mind control, and has known for over two years that the Court considered "psychological abuse" and Hubbard's "controlling, manipulating....his adherents" part of this case. Mind control is not a new subject which would require of the organization a new defense or more time in which

376

to create it.

3) Regarding continuing the trial of the cross-complaint until issuance of the Appeals Court decision in the document case, it was cross-defendant organization which moved to sever the cross-complaint as unrelated to the underlying document case.

4) In the document case, for a trial that lasted thirty days, because the organization insisted on an expedited trial, I had twenty months in which to prepare for my defense. From the time of filing of the cross-complaint until the present trial date, the organization will have had fifty months.

The organization has taken my deposition at least twenty-five days, and has taken the deposition of virtually everyone connected to me at some point in this litigation. Each person on this side whom the organization has sought to depose has complied and has answered any relevant questions. My attorneys advise me that because of the organization's compartmentalization and obstructionist tactics, taking any organization depositions is a costly and frustrating waste of time. The organization knows virtually ever fact of my life since I was born which has any connection at all to the issues in the cross-complaint; there is nothing left to discover. Discovery by the organization is for this reason, and because of attorney tactics and behavior, largely harassive. The extension of discovery is just the extension of harassment.

5) The organization cannot honestly argue that it was prevented in any way from getting whatever discovery it has wanted or from getting its many motions, several of which were in fact obstructive of legitimate discovery, heard by this Court. The organization has used 12 law firms in this case, and these attorneys have all been involved in other Scientology litigation and have deposed all my potential witnesses in those cases in addition to this. In addition to the staggering sums paid to attorneys to litigate this case, the organization has paid at least hundreds of thousands of dollars for PI's, for intelligence operations and for media black PR campaigns against me. Where it could not wait for legal discovery, it stole my documents. And as shown in my earlier declarations, it has, through perjury and manipulation, thwarted my discovery into its clear cut and egregious invasions of my privacy and assaults on my mind.

6) The organization has demonstrated continually throughout the litigation of this case that truth, which must have some relationship to legitimate discovery, is, as far as the organization is concerned, irrelevant. Attached hereto as Exhibit C is a copy of a recitation of a dream I had in March 1985. I have blacked out for this purpose, anything which could be considered offensive. Donald Randolph has, in furtherance of the organization's goals, defined the recitation of the dream a "sickening work" demonstrating my "extremely aberrated activities." The dream was a dream. The recitation was true, and as artistically tight as I was capable of. To the

organization, if it suits its purposes, however, dreams are reality, and truth is whatever can be twisted therefrom. The only thing "sickening" about the dream is how the organization acquired it and went about its degradation. I sent it to my friend Dan Sherman, a professional writer who had throughout 1984 encouraged me to write and who had "critiqued" some of my work. Sherman was, of course, being operated by the organization in the "Armstrong operation" (the same operation which John Peterson says never happened), and Sherman either gave the organization the "dream" he had dutifully tricked me into sending him, or the organization simply stole it from him. Attached hereto as Exhibit D is a letter from Sherman from March 1986 in which he indicates that the organization was indeed getting his mail. Since writing to me, however, Sherman has apparently again been pressured by the organization because he has again cut communication with me and gone into hiding.

Another example of organizational perversion of truth is the whole Armstrong operation. A group of individuals fearing for their lives and asking me for help to reform the organization became in organization black PR campaigns my attempt to destroy religion. Efforts by the organization to enveigle me into illegal acts became my commission of the acts. Use of my pc files as a lure to entrap and ruin me is characterized as protecting the sanctity of auditing. The organization needs no more discovery since it creates "truth" and "evidence," as it wishes.

////

7) All the discovery the organization has sought can be completed in the next two weeks. I have been answering interrogatories, in addition to all the other work I must still do, and despite the fact that none of the interrogatories cover anything which I have not already testified about, and I will complete them by November 26, 1986. The organization took my deposition on October 29 and 30 and they can have my deposition another day before trial if they want. They have made no request to set a date for the continuation of my deposition since the two days in October. The organization, just to delay the trial, should not be permitted to delay the discovery opportunities it has.

8) Although the organization is clearly not harmed if the cross-complaint goes to trial January 19, I will be if it doesn't. Through all the operations, the lies and attacks over more than four years, the hope of going to trial has been a major stabilizing factor in keeping me going.

I do not have the extra legal options which the organization does; my only opportunity to resolve this protracted, bitter and emotionally devastating war is at trial. My life has been radically altered by the organization's acts: the threats, the assaults, the pc file perversions, the obstruction, the lies, the operations, the betrayals, the terror. The intensity has fluctuated and there were brief periods when my life moved toward normalization, but always briefly as another organization attack was never far away.

EXHIBIT 4 PAGE 6

Since the July pc file culling, however, there has been no respite. The anguish I feel just about every day may be a blessing because the emotional ripple does not manifest itself in other more destructive ways. But I cannot feel that it is optimum or normal or healthy; that is, I'm under a ton of stress. I have grappled with the litigation and the extra-litigation threat in many ways. Some of them, even within the observable context of Gerald Armstrong, and even to myself, are bizarre. Almost the whole day now, and day after day, is connected to this subject. Sometimes I feel like my body is a battleground. Outside my apartment and office, and those are just about all my destinations, I am most of the time aware of the cold evaluation of threat. I am intellectually sound enough to realize that to succeed in getting the cross-complaint to trial raises the potential for a really serious operation. The emotional ramifications which follow from that are what I deal with. That is, the alteration of the circuitry. The lessening of the threat can only be achieved, however, by going forward, even though what could happen at trial could be beyond anything I've yet experienced. All the operations have had the ultimate goal of stopping me from proceeding to trial. They have only succeeded in convincing me that the only way the war and the threat can end is to get to trial.

Executed this 18th day of November, 1986 at Boston, Massachusetts.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Gerald Armstrong

HUBBARD COMMUNICATIONS OFFICE
217a Kensington High Street, London W.8

RUSH

July 22nd, 1956

To U.S. ONLY Julia Lewis, Dick Steves, L. Ron Hubbard, Jnr.

To England ONLY Association Secretary (Jack Parkhouse)
Director of Processing (Ann Walker)
Director of Training (Dennis Stephens)

Staff Auditors, Instructors and Auditors close to Operation only.

TECHNICAL BULLETIN OF 22 JULY 1956

I feel the urge to communicate to you the best news since 1950.

I have whipped the problems of the whole track and memory of the past and can resolve the worst cases we have ever had. That is a huge statement *but* I have solved and can untangle in an intensive the problems of the vacuum and havingness plus memory and health and have just done so. Hence the exuberance.

Also, other auditors can solve these in a case as well. NIBS has just cracked two six-year-standing Black Fives using some of this material and Herbie Parkhouse has had considerable luck with solids.

We are now capable of solving Book One style cases to the extreme level of clear.

No wild burst of enthusiasm is here intended. I have to put the finishing touches on a lot of things and the process is still slow—25 to 75 hours. But I've now done it and seen it done to worse cases than any you've had. And that's fact!

Okay. It's not simple. It requires a minute understanding of Book One. It would take me 50 pages to explain all I've lately found about vacuums. You haven't seen the last of me or of study, but you will have seen the last of unsuccessful cases providing only that we have time and environment in which to audit them.

We can make homo novis. (AND give a grin to those who kept standing around bleating, "Where are the clears?")

We know more about life now than life does—for a fact, since *it* was reaching, *we* can communicate about the reactions.

The process is concerned with "making it solid" combined with effects. It isn't easy. It is wonderfully complex and delicate. But it *has* been done. And it is being done.

Our cases gained but sometimes slumped. Why? Because an electronic vacuum restimulated on the track after sessions, and robbed the case's havingness.

A vacuum isn't a hole. It's a collapsed bank. Every lifetime bank is collapsed into a vacuum.

The formula is—

1. Run pc on start-change and stop for *hours* until he is under auditor's control, in session and (often) exteriorized.
2. Then run him with commands "What are you looking at?" "Good." "Make it solid."

   He will eventually hit a vacuum. (He'd hit it faster on "Recall a can't have" but it's too fast.) Here's the tangle. The vacuum is a super-cold mass or an electric shock. This "drank up" bank electronically (brainwashed him). The energy drunk turned black. Hence black cases. (Does not apply only to black cases however.)
3. Run, interspersed with solids and "objective can't have" on the room, "Tell me an effect object (that drank bank) could *not* have on you," and "Tell me an effect you could have on object." Object may be electrodes or supercold plate or even a supercold glass.

Caution, handle one vacuum at a time. These vacuums go back for 76 Trillion years. They were the original brainwash thetans did to one another, then psychiatrists (on the whole track) did expertly (modern psychiatrists are *punks*, modern shock too feeble to do more than restimulate old vacuums).

Take the vacuum that comes up running solids, or even "Recall a can't have", whatever it is and solve it as above.

This is delicate auditing. If you restimulate a vacuum too hard, the whole track groups on it.

Read Book One. Add vacuums instead of word groupers, use above and you'll probably get through to success. Nibs did and I had given him less than you have here. Of course, he's one of the best auditors in the business, so go easy. And Herbie Parkhouse is no slouch.

CAUTIONARY

This is true–

1. We have created the *permanent* stable clear.
2. In creating him we have a homo novis in the full sense, not just an Operating Thetan.
3. We now know more than life. An oddity indeed!
4. We now know more about psychiatry than psychiatrists. We can brainwash faster than the Russians (20 secs to total amnesia against three years to slightly confused loyalty).
5. We can undo whatever psychiatrists do, even the tougher grade from away back. We can therefore undo a brainwash in 25 to 75 hours.
6. We can create something better than that outlined and promised in Book One.

BUT

1. We need to know more and be more accurate than ever before about the time track and auditing. I have not given a thousandth of what I know about this.
2. We have a new game but also new responsibilities amongst men.
3. This data in the wrong hands before we are fully prepared could raise the Devil literally.
4. Because we know more than the Insanity Gang, we're not fighting them.
5. Because we can undo what we do, we must retain a fine moral sense, tougher by far than any of the past.
6. We can create better than in Book One now *only* if we know Book One and know our full subject.

AND WE DO NOT YET KNOW ALL THE SAFETY PRECAUTION TO BE USED.

I will be giving this data in full at the Games Congress, Shoreham Hotel, WASHINGTON, D.C., August 31st, to September 3rd, 1956.

The exact regimen of this will be SLP 8 and will include the total picture of separating valences from bodies (which must still be done by the auditor, a formula I now have).

I have given you this data in this bulletin at this time because now I know I know and I want you to share in seeing the surge of vision which will be our future.

L. RON HUBBARD

P.S. (Actually, contrary to rumor, it *hasn't* all been done before. If it had been, the guy who is saying it has would be clear!)

EXHIBIT 4 PAGE 9

the organization, or that organization executives did not know where he was. The fact is, the most senior executives were in continual communication with him throughout this period. Scientology spokesmen and witnesses have gone to great lengths to "prove" that Scientology is a valid religion, while knowing that it was simply a behavior therapy masquerading as a "church", and making a mockery of actual honest religious practices. In 1980, Watchdog Committee, the senior CMO body, responsible only to Mr. Hubbard and senior to every Scientology organization, ordered that every Sea Org member had to complete the Minister's Course in two weeks or they would be assigned to the RPF. The reason given was to make every Sea Org member a "minister of the church of Scientology" and so avoid the U.S. Selective Service draft then pending. What most Scientologists, and especially Sea Org members don't know is that Mr. Hubbard had duped them. My knowledge based on documentation and observation, is that the major reason for Mr. Hubbard's calling Scientology a "religion", in addition to tax evasion, is to hide behind Constitutional guarantees for religions and so carry out his scheme of mind control to keep his followers duped. He has systematically and knowingly lied to and defrauded his followers, kept them from finding out the truth or becoming free with cruel and bizarre treatment, as for example with the RPF, and kept them economically and mentally suppressed, while he made millions of dollars from their labor.

6) I am personally aware that Mr. Hubbard's policy of Fair Game is still a practice of Scientology. Since I left the organization with my wife in December 1981, I have been declared an enemy, and I believe that my life and my wife's life, are in danger.

7) On or about September 28, 1980, a meeting took place in the Cedars Complex at Los Angeles, California, one of the corporate headquarters of the Church of Scientology of California, (CSC). The meeting was attended by Charles Parselle, (C.P.) Deputy Guardian for Legal, (DGL), at WW, who was in charge of all legal activities for Scientology throughout the world and Laurel Sullivan, (L.S.), the personal representative of L. Ron Hubbard, a long term senior executive of Scientology and then In Charge, I/C, of a special legal Mission, (MCCS), which misssion was seeking to conceal Hubbard's control of Scientology and develop strategies to effectuate actual control by Mr. Hubbard without incurring legal responsiblity. Dick Sullivan, a junior executive of the MCCS mission, pursuant to orders, tape recorded the meeting. The individuals in attendance at this meeting

3-10-85

Last night as I dreamed I received a warning to not [redacted] the [redacted]. If I did I would myself turn into a [redacted]

Sometime later, sure enough, there appeared a [redacted] [redacted] and [redacted] She turned her [redacted] almost to, and turned her head back looking at me [redacted] Her [redacted] was [redacted] [redacted] Her ears [redacted] Her mouth didn't move but she asked in

②

perfect English if I I like [redacted] there were [redacted] of [redacted] around her [redacted]

I wanted to [redacted] but I said no. She disappeared. I woke up.

I have thought of her several times today. She was there. I'm still here. [redacted]

G.

Dan Sherman

4440 Ambrose Ave
Los Angeles, Calf
90027

March 1986

Dear Gerry,

I realize that I am probably the last person in the world you'd want to hear from, and I certainly don't blame you for it---but after talking to my sister the other day, I simply can't help writing you now.

I won't go into a long explaination of what happened in the end. Suffice it to say that between pressure from the Church and the potential break-up of my marriage I probably let you down---at least in spirit. I make no excuses now, and offer only this: I'm deeply, deeply sorry about the whole damn mess.

As I write now, a lot comes back to mind...including my so called "agreement" to not communicate with you again. But the hell with it. There are some things I just can't go on living with, and one of them is knowing that I never sent you a copy of our book.

I hope you'll accept it. I hope you'll forgive me. I'll understand if you don't write back, but I'd love it if you did.

Best for Always,

Danny

EXHIBIT 4 PAGE 14

PS As far as I know, no one is watching my mail anymore.
PSS I send this to Mike's office, cause it was the only address I had.

ORIGINAL
FILED

SEP 18 1995 6511

HOWARD HANSON
MARIN COUNTY CLERK
by J. Steele, Deputy

Gerald Armstrong
715 Sir Francis Drake Boulevard
San Anselmo, CA 94960
(415)456-8450
In Propria Persona

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF MARIN

CHURCH OF SCIENTOLOGY INTERNATIONAL, a California not-for-profit religious corporation, Plaintiff, vs. GERALD ARMSTRONG; MICHAEL WALTON; THE GERALD ARMSTRONG CORPORATION a California for-profit corporation; DOES 1 through 100, inclusive, Defendants.	No. 157 680 **EVIDENCE IN SUPPORT OF OPPOSITION TO MOTIONS FOR SUMMARY ADJUDICATION OF 20TH CAUSE OF ACTION; AND 13TH, 16TH, 17TH & 19TH CAUSES OF ACTION OF SECOND AMENDED COMPLAINT** Date: 9/29/95 Time: 9:00 a.m. Dept: One Trial Date: Not Set

VOLUME III

232 Cal.App.3d 1060

⊥1060**CHURCH OF SCIENTOLOGY OF CALIFORNIA, et al., Plaintiffs and Appellants,**

v.

Gerald ARMSTRONG, Defendant and Respondent.

Nos. B025920, B038975.

Court of Appeal, Second District,
Division 3.

July 29, 1991.

Review Denied Oct. 17, 1991.

Church sued former church worker alleging he converted confidential archive materials and disseminated materials to unauthorized persons, in breach of his fiduciary duty. Former church worker cross-complained seeking damages for fraud, intentional infliction of emotional distress, libel, breach of contract and tortious interference with contract. The Superior Court, Los Angeles County, Paul G. Breckenridge, Jr., and Bruce R. Geernaert, JJ., dismissed complaint, later settled and dismissed cross action, and ordered documents returned to the church and the records sealed. Church appealed. The Court of Appeal, Danielson, J., held that: (1) successor judge's order unsealing record more than five years after order was sealed by his predecessor exceeded judge's authority, and (2) under application of conditional privilege doctrine, sufficient evidence supported finding that church worker's conversion of church documents was justified by his reasonable belief that church intended to cause him harm and that he could prevent the harm only by taking the documents.

Affirmed.

1. Appeal and Error ⇨105

An order dismissing conversion action with prejudice, rather than an interlocutory order captioned "judgment" which ordered that conversion plaintiffs take nothing by their complaint but did not resolve cross complaint, was the appealable judgment in the action.

2. Appeal and Error ⇨837(9)

Claim that opponent's testimony was impeached by testimony given in other proceeding subsequent to judgment appealed from was not cognizable on appeal.

3. Judges ⇨32

Successor judge's order on his own motion vacating predecessor judge's order sealing court records in document conversion dispute between church and former church member exceeded successor judge's authority where vacating order was entered long after time for reconsideration of sealing order had expired, and no showing was made other than that supporting motion for access to record by nonparty who was also involved with litigation with church. West's Ann.Cal.C.C.P. §§ 473, 1008.

4. Records ⇨32

Persons seeking sealing of record on appeal had to make more particularized showing of need than a mere request that their pursuit of an action for conversion of confidential church documents, brought primarily to protect privacy interests in the documents converted, should not cause disclosure of the information they sought to protect, without any limitation to any particular portions of voluminous record of trial court proceedings.

5. Torts ⇨27

Trover and Conversion ⇨40(1)

Sufficient evidence supported finding that church worker's alleged conversion of confidential church archive materials when worker delivered documents to his attorney was motivated by worker's reasonable belief that he and his wife were in danger because the church was aware of what he knew about the life of its founder, the secret machinations and financial activities of the church, and worker's dedication to the truth, and thus did not subject worker to liability for conversion and invasion of privacy under the conditional privilege doctrine.

6. Religious Societies ⇨31(5)

Trial ⇨54(1)

Trial court did not abuse its discretion in admitting documentary and testimonial evidence concerning history of church worker's relationship with church and church practices in relation to its members, former members or critics, where record indicated court recognized that the statements were admitted for the limited purpose of proving reasonableness of worker's belief that church intended to harm him when he converted church's documents.

7. Trial 🔑387(1)

Trial court's statement of decision in church document conversion case merely reflected court's findings on elements of justification defense asserted by church worker and did not result in miscarriage of justice.

⊥1063Rabinowitz, Boudin, Standard, Krinsky & Lieberman, Bowles & Moxon, Eric M. Lieberman, Timothy Bowles, Kendrick L. Moxon and Michael Lee Hertzberg, for plaintiffs and appellants.

Gerald Armstrong, In Pro. Per.

Toby L. Plevin, Paul Morantz and Michael L. Walton, for defendant and respondent.

Lawrence Wollersheim, amicus curiae, on behalf of respondent.

DANIELSON, Associate Justice.

In consolidated appeals, the Church of Scientology (the Church) and Mary Sue Hubbard (hereafter collectively "plaintiffs") appeal from an order after appealable judgment unsealing the file in Church of Scientology of California v. Gerald Armstrong (B038975), and from the judgment entered in the case (B025920). We vacate the order and affirm the judgment.

FACTS AND PROCEDURAL HISTORY

In the underlying action, the Church sued Armstrong, a former Church worker, alleging he converted to his own use confidential archive materials and disseminated the same to unauthorized persons, thereby breaching his fiduciary duty to the Church, which sought return of the documents, injunctive relief against further dissemination of the information contained therein, imposition of a constructive trust over the property and any profits Armstrong might realize from his use of the materials, as well as damages. Mary Sue Hubbard (Hubbard), wife of Church founder L. Ron Hubbard, intervened in the action, alleging causes of action for conversion, invasion of privacy, possession of personal property [*sic*], and declaratory and injunctive relief. Armstrong cross-complained, seeking damages for fraud, intentional infliction of emotional distress, libel, breach of contract, and tortious interference with contract.

With respect to the complaint and complaint-in-intervention, the trial court found the Church had made out a prima facie case of conversion, breach of fiduciary duty, and breach of confidence, and that Mary Sue Hubbard had made out a prima facie case of conversion and invasion of privacy. However, the court also determined that Armstrong's conduct was ⊥1064justified, in that he believed the Church threatened harm to himself and his wife, and that he could prevent such harm by taking and keeping the documents.

Following those determinations the court made and entered an order, entitled "Judgment," on August 10, 1984,[1] ordering and adjudging that plaintiffs take nothing by their complaint and complaint-in-intervention, and that defendant Armstrong have and recover his costs and disbursements. Plaintiffs filed notice of appeal from that order.

[1] We dismissed the appeal (B005912) because that "judgment" was not a final judgment and was not appealable; Armstrong's cross-complaint had not yet been resolved and further judicial action was essential to the final determination of the rights of the parties. (*Lyon v. Goss* (1942) 19 Cal.2d 659, 670, 123 P.2d 11.)

Armstrong's cross-action was then settled and dismissed, the subject documents were ordered returned to the Church, and the record was sealed by Judge Breckenridge pursuant to stipulation of the parties. The dismissal of Armstrong's cross-action was a final determination of the rights of the parties, and constituted a final judgment, permitting appellate review of the court's interlocutory order captioned "judgment" filed August 10, 1984.

---

[1] The "judgment" of August 10, 1984, is not included in the present record on appeal. However, it is included in the petition of plaintiffs and appellants for review by our Supreme Court of our decision (B005912) in this case, filed December 18, 1986.

Plaintiffs then timely filed a new notice of appeal (B025920), from the orders entitled "Order for Return of Exhibits and Sealed Documents" and "Order Dismissing Action With Prejudice," both filed December 11, 1986, and from the "Judgment" filed August 10, 1984, stating that the appeal was "only from so much of those orders and judgment which denied damages to plaintiff and plaintiff-intervenor" on their complaints. We rule that the Order Dismissing Action With Prejudice is the appealable judgment in B025920.[2]

The Unsealing Order After Judgment (B038975)

On October 11, 1988, Bent Corydon, who is a party to other litigation against the Church, moved to unseal the record in this case for the purpose of preparing for trial of his cases. He sought only private disclosure. Judge ⊥1065Breckenridge having retired, Corydon's motion was heard by Judge Geernaert, who made an order dated November 9, 1988, which he clarified by another order dated November 30, 1988, which opened the record not only to Corydon but also to the general public, thus vacating the earlier order made by Judge Breckenridge.

On December 19, 1988, plaintiffs Church and Hubbard filed a timely notice of appeal from those orders made after appealable judgment. That appeal, B038975, is the other of the current consolidated appeals.

On December 22, 1988, Division Four of this court issued an order staying Judge Geernaert's orders (1) unsealing the record and (2) denying a motion for reconsideration of the unsealing order, to the extent those orders unsealed the record as to the general public and permitted review by any person other than Corydon and his counsel of record. On December 29, 1988, Division Four modified this stay order by adding to it a protective order prohibiting Corydon and his counsel from disseminating copies of or disclosing the content of any documents found in the file to the public or any third party, except to the extent necessary to litigate the actions to which Corydon and the Church were parties. Corydon and his counsel were also required to make good faith efforts in Corydon's litigation to submit under seal any documents they found in the file of this case.

On this appeal, Corydon argues in favor of the trial court's order unsealing the record, as he wishes to be free of the protective orders contained in the modified stay order issued by Division Four.

The "Judgment" of August 10, 1984 (B025920)

[2] Armstrong's taking of the documents is undisputed. The evidence relating to his claim of justification, which was found credible by the trial court,[3] established that Armstrong was a dedicated member of the Church for a period of twelve years. For ten of those years, he was a member of the Sea Organization, an elite group of Scientologists working directly under Church founder L. Ron Hubbard. In 1979, Armstrong became a part of L. Ron Hubbard's "Household Unit" at Gilman Hot Springs, California.

In January 1980, fearing a raid by law enforcement agencies, Hubbard's representatives ordered the shredding of all documents showing that Hubbard controlled Scientology organizations, finances, personnel, or the ⌊1066property at Gilman Hot Springs. In a two-week period, approximately one million pages were shredded pursuant to this order.

---

[2] We later granted the motion of appellant Church to deem the record on appeal in B005912 to be the record on appeal in B025920, which is one of the current consolidated appeals; we also take judicial notice of the entire record in B005912. Consequently the reporters' transcript, the appendices of the parties on appeal, and the parties' briefs in case No. B005912 are part of the record on appeal in B025920. The parties have also filed briefs in B025928.

[3] Plaintiffs' contention that certain testimony was impeached by testimony given in other proceedings subsequent to the judgment herein is, of course, not cognizable on this appeal.

In the course of the inspection of documents for potential shredding, Armstrong reviewed a box containing Hubbard's early personal letters, diaries, and other writings, which Armstrong preserved.

Thereafter, Armstrong petitioned for permission to conduct research for a planned biography of Hubbard, using his discovery of the boxed materials. Hubbard approved the petition, and Armstrong, who had discovered and preserved approximately 16 more boxes of similar materials, became the Senior Personal Relations Officer Researcher. He subsequently moved the materials to the Church of Scientology Cedars Complex in Los Angeles.

Hubbard selected one Omar Garrison to write his biography. Armstrong became Garrison's research assistant, copying documents and delivering the copies to him, traveling with him, arranging interviews for him, and generally consulting with him about the project. Armstrong also conducted a genealogical study of Hubbard's family, and organized the materials he had gathered into bound volumes for Garrison's use, retaining a copy for the Church archives. The number of documents obtained by Armstrong ultimately reached 500,000 to 600,000. Within a week after commencing the biography project, Armstrong and Garrison began to note discrepancies between the information set forth in the documents and representations previously made concerning Hubbard. Then Armstrong was summoned to Gilman Hot Springs, where he was ordered to undergo a "security check" consisting of interrogation while connected to a crude lie-detector called an E-meter, to determine what materials he had delivered to Garrison and to meet charges that he was speaking out against Hubbard.

In November 1981, Armstrong wrote a report urging the importance of ensuring the accuracy of all materials published concerning L. Ron Hubbard, and relating examples of factual inaccuracies in previous publications. In December 1981, Armstrong and his wife left the Church, surreptitiously moving their possessions from the Church premises because they knew that persons attempting to leave were locked up, subjected to security checks, and forced to sign promissory notes to the Church, confessions of "blackmailable" material obtained from their personal files, and incriminating documents, and they were afraid that they would be forced to do the same. Before leaving, Armstrong and his wife copied a number of documents which he delivered to Garrison for his work on the Hubbard biography. After leaving, Armstrong cooperated with his successor, assisting him in locating documents and other items.

⌊1067Commencing in February 1982, the international Church of Scientology issued a series of "suppressive person declares" in effect labelling Armstrong an enemy of the Church and charging that he had taken an unauthorized leave, was spreading destructive rumors about senior Church officials, and secretly planned to leave the Church. These "declares" subjected Armstrong to the "Fair Game Doctrine" of the Church, which permits a suppressive person to be "tricked, sued or lied to or destroyed ... [or] deprived of property or injured by any means by any Scientologist...."

At around the same time, the Church confiscated photographs of Hubbard and others that Armstrong had arranged to sell to one Virgil Wilhite. When Armstrong met with Church members and demanded the return of the photographs, he was ordered from the Church property and told to get an attorney. Thereafter, he received a letter from Church counsel threatening him with a lawsuit. In early May 1982, he became aware of private investigators watching his house and following him.

These events caused Armstrong to fear that his life and that of his wife were in danger, and that he would be made the target of costly and harassing lawsuits. The author, Garrison, feared that his home would be burglarized by Church personnel seeking to retrieve the documents in his possession.

For these reasons, Armstrong took a number of documents from Garrison and sent them to his attorney.

Following commencement of the instant action, Armstrong was pushed or shoved by one of the Church's investigators. In a later incident his elbow was struck by an investigator's vehicle; still later, the same investigator pulled in front of Armstrong on a freeway and slammed on his brakes. This investigator's vehicle also crossed a lane line as if to push Armstrong off of the road. Plaintiffs' position is that the investigators were hired solely for the purpose of regaining the documents taken by Armstrong.

Trial of the complaint and the complaint-in-intervention was by the court sitting without a jury. On August 10, 1984, the court made its order, captioned "Judgment," ordering that plaintiff Church and plaintiff in intervention Hubbard, take nothing by their complaint and complaint-in-intervention and that defendant Armstrong have and recover from each of them his costs and disbursements.

⊥1068DISCUSSION

The Order Unsealing The Record Must Be Reversed

[3] "Although the California Public Records Act (Gov.Code, §§ 6250 [et seq.]) does not apply to court records (see § 6252, subd. (a)), there can be no doubt that court records are public records, available to the public in general ... unless a specific exception makes specific records nonpublic. (See *Craemer v. Superior Court* (1968) 265 Cal.App.2d 216, 220–222 [71 Cal.Rptr. 193]....) To prevent secrecy in public affairs public policy makes public records and documents available for public inspection by ... members of the general public.... [Citations.] Statutory exceptions exist [citations], as do judicially created exceptions, generally temporary in nature, exemplified by such cases as *Craemer, supra,* and *Rosato v. Superior Court* (1975) 51 Cal.App.3d 190 [124 Cal.Rptr. 427] ..., which involved temporary sealing of grand jury transcripts during criminal trials to protect defendant's right to a fair trial free from adverse advance publicity. Clearly, a court has inherent power to control its own records to protect rights of litigants before it, but 'where there is no contrary statute or countervailing public policy, the right to inspect public records must be freely allowed.' (*Craemer, supra,* 265 Cal.App.2d at p. 222 [71 Cal.Rptr. 193]) The court in *Craemer* suggested that countervailing public policy might come into play as a result of events that tend to undermine individual security, personal liberty, or private property, or that injure the public or the public good." (*Estate of Hearst,* (1977), 67 Cal.App.3d 777, 782–783, 136 Cal. Rptr. 821.)

"If public court business is conducted in private, it becomes impossible to expose corruption, incompetence, inefficiency, prejudice, and favoritism. For this reason traditional Anglo–American jurisprudence distrusts secrecy in judicial proceedings and favors a policy of maximum public access to proceedings and records of judicial tribunals. Thus in *Sheppard v. Maxwell* (1966) 384 U.S. 333, 350 [86 S.Ct. 1507, 1515, 16 L.Ed.2d 600, 613], the court said it is a vital function of the press to subject the judicial process to 'extensive public scrutiny and criticism.' And the California Supreme Court has said, 'it is a first principle that the people have the right to know what is done in their courts.' (*In re Shortridge* (1893) 99 Cal. 526, 530 [34 P. 227]....) Absent strong countervailing reasons, the public has a legitimate interest and right of general access to court records...." (*Estate of Hearst, supra,* 67 Cal.App.3d at p. 784, 136 Cal.Rptr. 821.)

We are unaware of any showing made before Judge Breckenridge, other than the parties' stipulation, justifying sealing by the trial court of the record in this case. However, inasmuch as the parties agreed to the sealing in December of 1986, and no third party intervened at that time to seek ⊥1069reconsideration or review of the court's order, the order became final long before Corydon intervened in the action almost two years later.

In *Greene v. State Farm Fire & Casualty Co.* (1990) 224 Cal.App.3d 1583, 274 Cal. Rptr. 736, the court stated at page 1588, 274 Cal.Rptr. 736: "The power of one judge to vacate an order duly made by another judge is limited. In *Fallon v. Superior Court* (1939) 33 Cal.App.2d 48, 52 [90 P.2d 858] . . . we issued a writ of prohibition restraining a successor law and motion judge from vacating an order of his predecessor, stating, 'Except in the manner prescribed by statute a superior court may not set aside an order regularly made.' In *Sheldon v. Superior Court* (1941) 42 Cal. App.2d 406, 408 [108 P.2d 945] . . . the Court of Appeal, Second Appellate District annulled the order of one probate judge which vacated the previously made order of another probate judge appointing an administrator, stating 'that a valid order made *ex parte* may be vacated only after a showing of cause for the making of the latter order, that is, that in the making of the original order there was (1) inadvertence, (2) mistake, or (3) fraud.' Even more on point, in *Wyoming Pacific Oil Co. v. Preston* (1958) 50 Cal.2d 736, 739 [329 P.2d 489] . . . the California Supreme Court reversed the order of a second judge dismissing an action under former [Code of Civil Procedure] section 581a for failure to make service of process within three years, after a first judge had found as a fact that the affected defendant was concealing himself to avoid service of process, quoting *Sheldon.* [Citation.]" (Fn. omitted.)

In *Greene, supra,* Alameda County Superior Court Judge Donald McCullum issued general order 3.30, in which he found it impracticable, futile, or impossible to bring certain cases, including *Greene,* to trial within the applicable five-year limitation period (Code Civ.Proc., § 583, subd. (b)), and extended the deadline for bringing those cases to trial. Thereafter, Judge Richard Bartalini, to whom the case was assigned for trial, dismissed the action, on motion of the defendants, for failure to bring it to trial within five years. The court stated, "[D]efendants were, in effect, asking Judge Bartalini to focus on the particular facts of the case and, in light of those facts, to rethink Judge McCullum's order and to see whether he agreed with it. No statutory authority exists for such a request, and Judge Bartalini erred in granting it. [Citations.] General order 3.30 could 'not be set aside simply because "the court concludes differently than it has upon its first decision."' [Citations.]" (*Greene v. State Farm Fire & Casualty Co., supra,* 224 Cal.App.3d at p. 1589, 274 Cal. Rptr. 736.)

In our case, Corydon intervened in the action between plaintiffs and Armstrong, seeking access to the sealed record for the limited purpose of preparing his own cases involving the Church. Judge Geernaert, on his own motion, vacated Judge Breckenridge's order sealing the record. The time ⌊1070had long since expired for reconsideration of Judge Breckenridge's order (Code Civ.Proc., § 1008), or relief therefrom pursuant to Code of Civil Procedure section 473, and the parties had the right to rely on the sealing order. No showing was made other than that supporting Corydon's motion for access to the record.[4] We hold Judge Geernaert exceeded his authority in vacating Judge Breckenridge's order sealing the record.[5]

---

[4] Plaintiffs do not challenge Corydon's access to the record, stating in their brief: "Corydon's access must continue to be limited by the conditions imposed thus far by this court's Modified Temporary Stay Order.... He sought access only for use in private litigation against the Church; this court's order, which permits him to use the information he obtains only in said litigations and only after making a good faith effort to have it introduced under seal, is appropriately tailored to meet his asserted need without unnecessarily invading appellants' privacy." Pursuant to the stay order issued by Division Four, Corydon has had the desired access since December 22, 1988, and the issue is moot as to him. He now seeks in this court more than he sought by his motion in the trial court.

[5] Armstrong, who did not participate in the hearing on the motion below, has filed a brief claiming the record should be unsealed because the Church has failed to comply with the terms of its settlement agreement with him. His declarations to the latter effect are not properly before us on this appeal, as they were not considered by the trial court. We therefore consider neither the meaning of the portions of the settlement agreement to which he refers nor the question whether the Church has complied therewith.

The Record On Appeal Is Not Sealed

There remains a question as to the effect of this appeal upon the sealing order. The brief filed by the plaintiffs apparently assumes continued effectiveness of the order on appeal.

In *Champion v. Superior Court* (1988) 201 Cal.App.3d 777, 247 Cal.Rptr. 624, the court referred to "an increasing trend by litigants to assume that when the parties stipulate below or convince the trial court of the need for confidentiality, no showing of need must be made in this court." (*Id.* at p. 785, 247 Cal.Rptr. 624.) The *Champion* court determined to the contrary, stating "that a party seeking to lodge or file a document under seal bears a heavy burden of showing the appellate court that the interest of the party in confidentiality outweighs the public policy in favor of open court records. 'The law favors maximum public access to judicial proceedings and court records. [Citations.] Judicial records are historically and presumptively open to the public and there is an important right of access which should not be closed except for compelling countervailing reasons.' [Citation.]" (*Id.* at p. 788, 247 Cal. Rptr. 624.)

Plaintiffs cite *Champion*, claiming, inter alia, that the appellate court, in granting the motion to seal in that case, stated it was "influenced by the ⊥1071parties' agreement to the procedure and by the lower court's sealing of its records." The quoted language appears at page 786, 247 Cal. Rptr. 624 of the decision, and refers to the court's initial response to requests to seal received in connection with the petition, opposition, and amici curiae requests. Later, after receiving "rebuttal briefs, rebuttal declarations, reply to amici, declarations in reply to amici, and supplemental declarations," (*Champion v. Superior Court, supra*, 201 Cal.App.3d at p. 786, 247 Cal.Rptr. 624) resulting in a file containing "some sealed documents, some public documents, and many documents not yet designated as sealed or public," (*ibid.*) most of which blended together discussions of confidential and public materials, as well as requests to seal all of the documents without any explanation of why any of the documents deserved such treatment (*ibid.*), the court stated, at page 787, 247 Cal.Rptr. 624, "it is apparent that we acted precipitously in granting the earliest, unsupported, requests to seal documents lodged or filed in this matter." While the court did ultimately grant the application to seal the entire file, it did so because of the confusion and undue complication and delay that would be caused by return of the documents for segregation into public and confidential portions. (*Id.* at pp. 789–790, 247 Cal.Rptr. 624.)

[4] In our case, plaintiffs have not formally requested sealing of the record on appeal. They argue, in seeking reversal of Judge Geernaert's order vacating the sealing order made in the trial court, that their pursuit of an action brought primarily for the purpose of protecting their respective privacy interests in the documents converted by Armstrong should not cause disclosure of the very information they sought to protect, through references in the record to such information. The argument is not limited to any particular portion or portions of the voluminous record of the trial court proceedings. Should plaintiffs move to seal the record on appeal, we would require a much more particularized showing.

The Defense of Justification Applies To The Causes Of Action Alleged Against Armstrong; The Judgment Is Affirmed

"One who invades the right of privacy of another is subject to liability for the resulting harm to the interests of the other." (Rest.2d Torts, § 652A(1).) "The right of privacy is invaded by [¶] (a) unreasonable intrusion upon the seclusion of another, . . . or . . . (c) unreasonable publicity given to the other's private life. . . ." (Rest.2d Torts, § 652A(2).) "The rules on conditional privileges to publish defamatory matter

---

We are also in receipt of an amicus curiae brief of Lawrence Wollersheim, who urges unsealing of the record based on reasons of public policy. Wollersheim's argument is directed primarily to the documentary exhibits lodged in the underlying case. Those documents have been returned to the Church in accordance with the terms of the settlement agreement.

stated in §§ 594 to 598A, and on the special privileges stated in §§ 611 and 612, apply to the publication of any matter that is an invasion of privacy." (Rest.2d Torts, § 652G.) Under section 594 of the Restatement "[a]n occasion makes a publication conditionally privileged if the circumstances induce a correct or reasonable belief that (a) there is information that affects a sufficiently ⊥1072important interest of the publisher, and (b) the recipient's knowledge of the defamatory matter will be of service in the lawful protection of the interest."

"Unless otherwise agreed, an agent is subject to a duty to the principal not to use or to communicate information confidentially given him by the principal or acquired by him during the course of or on account of his agency or in violation of his duties as agent. in competition with or to the injury of the principal, on his own account or on behalf of another, although such information does not relate to the transaction in which he is then employed, unless the information is a matter of general knowledge." (Res.2d Agency, § 395.) However, "[a]n agent is privileged to protect interests of his own which are superior to those of the principal, even though he does so at the expense of the principal's interests or in disobedience to his orders." (Res.2d Agency, § 418.)

With respect to plaintiffs' causes of action for conversion, "[o]ne is privileged to commit an act which would otherwise be a trespass to or a conversion of a chattel in the possession of another, for the purpose of defending himself or a third person against the other, under the same conditions which would afford a privilege to inflict a harmful or offensive contact upon the other for the same purpose." (Res.2d Torts, § 261.) "For the purpose of defending his own person, an actor is privileged to make intentional invasions of another's interests or personality when the actor reasonably believes that such other person intends to cause a confinement or a harmful or offensive contact to the actor, or that such invasion of his interests is reasonably probable, and the actor reasonably believes that the apprehended harm can be safely prevented only by the infliction of such harm upon the other. (See § 63.) A similar privilege is afforded an actor for the protection of certain third persons. (See § 76.)" (Res.2d Torts, § 261, com.)

We find no California case, and the parties cite none, holding that the above described privileges apply in this state.[6] We

---

6. No purpose would be served by our engaging in an exhaustive discussion of each of the points asserted by plaintiffs.

For example, plaintiffs misconstrue the decision in *Dietemann v. Time, Inc.* (9th Cir.1971) 449 F.2d 245. The *Dietemann* court stated: "Privilege concepts developed in defamation cases and to some extent in privacy actions in which publication is an essential component are not relevant in determining liability for intrusive conduct antedating publication." (*Id.* at pp. 249–250.) The question in that case was whether the defendant, whose employees gained entrance to plaintiff's home by subterfuge and there photographed him and recorded his conversation without his consent, was insulated from liability by the First Amendment because its employees did these acts for the purpose of gathering material for a magazine story which was thereafter published. The case has nothing to do with the justification asserted herein. *Pearson v. Dodd* (D.C.Cir.1969) 410 F.2d 701, is similarly inapposite.

Discussing the privilege of an agent set forth in section 418 of the Restatement, plaintiffs point to the last sentence of comment b, which reads: "So, too, if the agent acquires things in violation of his duty of loyalty, he is subject to liability for a failure to use them for the benefit of the principal." This language has reference to the initial sentence of the comment: "If the conflict of interests is created through a breach of duty by the agent, the agent is subject to liability if he does not prefer his principal's interests." In the present case, the conflict was created by the plaintiffs, who threatened Armstrong with harm.

Referring to comment b to section 396 of the Restatement Second of Agency, which has to do with the use of customer lists in unfair competition, plaintiffs urge that even if Armstrong was privileged to verbally report to others information he gained in his capacity as an agent of the Church, he would not be privileged under any circumstances to retain or disseminate Church documents. They also urge, based on cases which are inapposite to that at bench, that the justification defense applies only in emergency situations requiring immediate action to avert danger, or where the agent believes that the principal's documents are the fruits or instrumentalities of crime or fraud. The court found, on substantial evidence, that Armstrong was under a reasonable apprehension of danger when believe the trial ⊥1073court appropriately adopted the Restatement approach respecting conditional privilege. (See 5 Witkin, Summary of Cal.Law (9th ed. 1988) Torts, § 278, p. 360; *Gilmore v. Superior Court* (1991) 230 Cal.App.3d 416, 421, 281 Cal. Rptr. 343.)

[5] In its statement of decision the court found Armstrong delivered the documents in question to his attorney "... because he believed that his life, physical and mental well-being, as well as that of his wife, were threatened because the organization was aware of what he knew about the life of L. Ron Hubbard, the secret machinations and financial activities of the Church, and his dedication to the truth. He believed that the only way he could defend himself, physically as well as from harassing lawsuits, was to take from Omar Garrison those materials which would support and corroborate everything that he had been saying within the Church about L. Ron Hubbard and the Church, or refute the allegations made against him in the April 22 Suppressive Person Declare. He believed that the only way he could be sure that the documents would remain secure for his future use was to send them to his attorneys, and that to protect himself, he had to go public so as to minimize the risk that L. Ron Hubbard, the Church, or any of their agents would do him physical harm." The court's findings were substantially supported by the evidence adduced at trial.

Admission of Documentary and Testimonial Evidence Over Appellants' Objections Did Not Result In A Miscarriage of Justice

Armstrong's defense was predicated on his claim that he reasonably believed the Church intended to cause him harm, and that he could prevent the apprehended harm only by taking the documents, even though the taking resulted in harm to the Church.

[6] ⊥1074Plaintiffs complain of the trial court's admission of documentary and testimonial evidence concerning the history of Armstrong's relationship with the Church, and certain practices of the Church in relation to its members, as well as its former members and/or critics. The record is replete with statements of the court's recognition of the limited purpose for which the complained of statements were properly admitted, i.e., to prove Armstrong's state of mind when he converted the Church's documents. These statements are referenced in Armstrong's briefs, and acknowledged by plaintiffs.

Plaintiffs complain that certain testimony of defense witnesses was irrelevant, as there was no showing that Armstrong was aware of the facts to which the witnesses testified. The testimony in question was largely corroborative of Armstrong's testimony with respect to Church practices affecting his state of mind, and was relevant to the issue of the reasonableness of his belief that the Church intended to cause him harm.

[7] Plaintiffs complain, finally, that the trial court's statement of decision shows the court improperly considered the evidence admitted for the limited purpose of establishing Armstrong's state of mind. We are satisfied the complained of comments reflect the court's findings on the elements of the justification defense asserted by Armstrong, and that neither the admission of the evidence nor the court's comments resulted in a miscarriage of justice. (Cal. Const., art. VI, § 13.)

DECISION

The judgment is affirmed. The order vacating the order sealing the record in the trial court is reversed. Each party to bear its own costs on this appeal.

KLEIN, P.J., and HINZ, J., concur.

---

he delivered the documents to his attorney.

More was not required.